

University of Alberta

**Definition, Inspirations, Inputs, Leadership, and Resistance: Policy Innovation and Edmonton's
Smoking Bylaw
by**

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in partial fulfillment of the requirements for the degree of**

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To students - past, present, and future

Abstract: This paper defines policy innovation as "a radical idea developed with the purpose of challenging the status quo, introduced and implemented through efficient means by and with the support of new elements in the policy-making system." The above definition is applied to City of Edmonton anti-smoking bylaw 13333 with the goal of proving that the new legislation was an example of policy innovation. The case study centres on the various influences in the policy making process with an emphasis on inspirations, inputs, leadership, and resistance to the new bylaw.

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Introduction

Innovation by its nature is an inherently theoretical idea which can prove to be difficult to define. However, within the discourse of political science the term innovation is increasingly used to qualify various public policies. This thesis sets out to characterize policy innovation in the theoretical sense, and then observing the practical side of policy innovation through observing a particular case of public policy: Edmonton's anti-smoking bylaw 13333 which was passed by City Council April 3, 2003 and took effect July 1, 2005.

Specifically, this thesis examines: (i) motivations for, and opposition to the Edmonton bylaw; (ii) media coverage of the bylaw; (iii) the effect of the bylaw on the outcome of the 2005 municipal elections; and (iv) the practical results of the bylaw, especially on local businesses and charities, as gauged almost a year after its full implementation. It is argued that the drafting, implementation, and effects of the smoking bylaw provide insight into the political culture of Edmonton and the capacity of City Hall in the face of an organized, determined, and free-spending minority-contrarian opposition. As an innovative policy that was conceived and implemented outside the typical 'caretaker' role of municipal government, bylaw 13333 represents a significant achievement for city councils.

The aim of this project is to draw some conclusions about what the passing and enforcement of the smoking bylaw in Edmonton tells us about the city's political culture, the public ideology of Edmontonians, and the capacity of City Hall to represent these well. While volumes of literature exist regarding smoking and smoking legislation, these

works seldom focus specifically on the tangible effects of anti-smoking bylaws. As a topic in urban governance, a critical examination of Edmonton's smoking bylaw may provide rare insight into the politics of such innovative policy making and its impacts on everyday life in a major Canadian municipality.

Chapter One:

Definition, Inspirations, and Implementation: The Theoretical

Bases of Innovative Policy

Policy innovation is an abstract term that is frequently used in political science, yet has rarely been properly defined. At first glance one may be tempted to conclude that based on the word innovation, an innovative policy must simply be a new policy. However as argued below this is a common error that overlooks several other common requirements of innovative policies. Theoretical and contextual research will be examined in an attempt to better understand and define policy innovation. The second portion of this paper will look at the inspirations behind innovative policies. Institutions such as a city's bureaucracy, businesses, and interest groups, not to mention various contextual factors, are all capable of influencing the development of policy. The role of leadership, particularly vision and a willingness to divert from political norms, will be presented as being key to the inspiration and implementation of innovative policy. Finally, how a policy is implemented as well as several barriers to implementation will be delineated and analyzed. In summary, this chapter defines and traces the complex processes and factors that lead to the inspiration and implementation of innovative policy.

I-Definition

A concrete definition of policy innovation, developed through an examination of previous studies on the subject, is requisite in order to fully understand the theory behind innovation, and for later practical application. Cited in James Lightbody's *City Politics, Canada*, Terry Nichols Clark argues that for a policy to be considered innovative the criteria must be more specific than "not tried here before."¹ Hence, a new policy alone cannot be considered innovative on the ground that it is new. Lightbody further

¹ Lightbody, James. *City Politics, Canada*. Peterborough: Broadview, 2005. 319.

restricts the definition by pointing out that innovation must represent "a significant break with past practice" and should also enter into the system "new ideas, new means, and new categories of people."² New inputs are thus vital to the formation of innovative policies. Moreover, these new inputs must challenge the hierarchy, the existing social and economic order, and established routines.³ From a sociological perspective John Porter's classic text *The Vertical Mosaic* further argues that "creative politics is politics which has the capacity to change the social structure in the direction of some major social goods or values."⁴ From the above theoretical groundwork we can develop a partial definition. An innovative policy is a radical idea developed with the purpose of challenging the status quo, and is introduced through and with the support of new elements in the policy-making system. Thus far our attempt to define policy innovation has been based on theoretical research, but a look at a concrete example will present more definitive criteria to better define policy innovation.

The state of Illinois offers awards to its municipalities based on their creation, implementation, and presentation of innovative policies. In order to qualify for these awards a policy must meet five criteria:

- 1) Potential for applicability and continued use in other governments
- 2) Innovativeness and originality (a) nationally and (b) in Illinois

² Lightbody, James. "Adventures in Adequacy: Recent Developments in the Quest for Better Management Practices in Canadian Municipal Government." *Public Performance and Management Review*. Vol. 27, No. 1 (September, 2003) 83-84.

³ Lightbody, *City Politics in Canada*, 319.

⁴ Porter, John. *The Vertical Mosaic: An Analysis of Social Class and Power in Canada*. Toronto: University of Toronto Press, 1960. 369.

- 3) Improved service quality - better service
- 4) Degree of productivity improvement - increased service per dollar
- 5) Creative implementation - such as winning support among potential opponents to the idea⁵

In the context of attempting to define innovative policy, the above criteria are coincidentally helpful and problematic. The first criteria implies that a policy can be innovative only if it applies to other governments. Although the point is taken that widespread applicability is important and desirable, surely it is equally vital to recognize how policies must be 'fine tuned' to their specific political contexts. For instance a policy that is acceptable in Edmonton may not be in Calgary.⁶ The second criterion questions how one determines innovativeness (or for that matter originality)? This is especially difficult given the difficulty in defining exactly what innovation is: a term which the state of Illinois never satisfactorily defines. The third item is qualitative and also assumes that policy innovation always pertains to the provision of services. Certainly the delivery of services is a major function of local governments, yet other policies such as zoning bylaws or parking regulations are not as easily connotated with service delivery as water treatment, or garbage disposal are. The fourth point further associates innovation with only service delivery, and assumes that service delivery is quantifiable. Again the prior examples of zoning bylaws or parking regulations stand as examples outside of this paradigm. The final criterion is key as implementation of a policy is likely only as good

⁵ Clark, Terry Nichols. "Innovations That Work: A Menu of Strategies." in Clark, Terry Nichols. Ed. *Urban Innovation: Creative Strategies for Turbulent Times*. Thousand Oaks, California: Sage Publications, 1994. 216.

⁶ A more specific commentary on policy implementation can be found below.

as the support for it (see footnote 7 below). Although the five criteria of the Illinois innovation award contest fail to adequately distinguish between qualitative and quantitative analysis, do not adequately differentiate service-based policies, or offer a definition of policy innovation, they do provide practical guidelines for innovative policies and highlight the importance of efficiency and implementation of innovative policies.

The previous definition of policy innovation can be augmented using the above analysis of the case study of Illinois. The importance of implementation and efficiency now warrant consideration while attempting to define an innovative policy. With these additions the ultimate definition of an innovative policy can be compiled: a radical idea developed with the purpose of challenging the status quo, introduced and implemented through efficient means by and with the support of new elements in the policy-making system. This definition, although far from perfect, facilitates a basic litmus test to determine if a policy is indeed innovative.

II-Inspirations

The inspirations behind any policy are important as they reflect the political values and norms of the context from which the policy emanated. As argued below there are three specific institutions which tend to inspire innovative policies, and a further three political circumstances which do the same.

The bureaucracy is a prime source of inspiration for policy innovation. Like other levels of government, municipalities employ a number of specialized, professional

administrators who form and shape policy. On the surface one may be tempted to conclude that innovation is a top-down affair with local leaders piloting the charge towards innovation. This conclusion is problematic for two reasons. Firstly, as defined above, innovation is a challenge to the status-quo. Politicians, and in particular, political leaders have a great stake in preserving the status-quo and thus may sometimes be reluctant to produce a policy that falls in line with the above definition. Furthermore, the bureaucracy tend to have a more policy-oriented focus than politicians do according to one study which describes elected officials as having "a fractured political vision . . . therefore the political vision of the bureaucrats will have an impact."⁷ Secondly, in most cases it is easier for a bureaucrat than for a councillor to develop an innovative policy. Bureaucrats are specialized policy designers whose express purpose may often be to develop innovative policy. Moreover, bureaucrats have equal or greater resources than most elected officials and do not have to concern themselves with time-consuming matters such as council meetings, media interviews, or concession speeches. It is this full-time occupation with policy development that personifies the argument that innovation often stems from bureaucrats due to their familiarity with the problems at hand.

A second major source of innovation is interest groups. Like the bureaucracy, interest groups offer specialized points of view that allow them to focus on developing specific policies in detail. Interest groups are important players in city politics and must be respected by politicians for two main reasons: they donate money to campaigns and expect a degree of *quid pro quo*, and secondly they campaign and deliver votes to

⁷ Lightbody, "Adventures in Adequacy," 80.

sympathetic candidates.⁸ It is these qualities that lead some to question if the roles played by interest groups, especially their ability to direct specific policies, are too substantial.⁹ Interest groups are typically concerned with specific issues or interests, and thus, like the bureaucracy, have a detailed knowledge of the issues surrounding the policy they wish to propose. Howlett and Ramesh point out that while their influence does not guarantee that their interests will be accommodated, interest groups are unlikely to be entirely ignored.¹⁰ Hence, even when interest groups lose, their voice is heard and will be heard again during the development of future policies. Given their influence as set out above, it is easy to see how interest groups can be key players in the innovation process.

Third, a city's business community plays an important role in policy development. Indeed, businesses have been described as having "an unmatched capacity to affect public policy."¹¹ Businesses, in their varying forms, are often the group most affected by decisions made at City Hall, hence their keen interest regarding municipal policies. It would be wrong to consider businesses as any ordinary interest group; compared to typical city-level interest groups, businesses have disproportionate levels of resources, and thus power. Moreover, businesses are remarkable in that they are affected by almost every decision that emanates from City Hall due to the close links between the business community and local governments. Many higher-profile city business groups, such as the Edmonton or Calgary Chamber of Commerce, also have members who carry influence at more senior levels of government. Finally, business groups are aided in that

⁸ Howlett, Michael, and Ramesh, M. *Studying Public Policy: Policy Cycles and Policy Subsystems*. Toronto, ON: Oxford University Press, 1995. 57.

⁹ Clark, Terry Nichols. "Introduction: Turbulence and Innovation in Urban America." in Clark, Terry Nichols. Ed. *Urban Innovation: Creative Strategies for Turbulent Times*. Thousand Oaks, California: Sage Publications, 1994. 8.

¹⁰ Howlett and Ramesh, 57.

¹¹ Ibid. 66.

they often share a common background with many councillors. Cumulatively, these factors delineate how business can be an important player in municipal policy development.

Several non-institutional conditions - a specific issue or financial strain- often promote the creation of innovative policy. In the context of Winnipeg, Tim Thomas writes that municipal politics has tended to be "propelled by the popularity of certain issues or individuals."¹² Thus a specific issue, such as the increased drive for a smoke-free community or the call for increased traffic safety in light of a slew of traffic accidents, often can develop new policies. On its own an issue can't develop policy, but visible issues can get the proverbial ball rolling and mobilize interest groups who would help try to shape policy. From the examples above, interest groups such as Action on Smoking and Health (ASH) or Mothers Against Drunk Driving (MADD) would utilize their resources to affect the government's response to the problem.

Another driver of innovative policy is fiscal strain which often stems from devolution. As constitutionally-certified creatures of the provinces municipalities' ability to fund policies are extremely limited. Moreover, provinces legally have the ability to 'download' services onto their municipalities: this process, known as devolution, would according to one model ultimately produce innovation. Terry Nichols Clark puts forth four theoretical models that have policy innovation as the product. From among these four models three cited fiscal strain as a direct cause leading to policy innovation and the fourth cited fiscal austerity, a condition that often arises from fiscal strain, as an

¹² Thomas, Tim. "When 'They' is 'We': Movements, Municipal Parties, and Participatory Politics." in Lightbody, James. Ed. *Canadian Metropolitcs: Governing Our Cities*. Toronto: Copp Clark Limited, 1995. 119.

important factor.¹³ In the context of the five Illinois criteria outlined previously one could recall that efficiency is a practical goal for policy innovation. Within the context of devolution, fiscal strain leads to policy innovation which leads to increased efficiency.

A final non-institutional factor, or at least one not centred on one particular institution, is the presence of competition among local governments. Often this competition will take the form of suburb versus suburb, or municipality versus suburb, or regional government versus suburb. Competition can be seen as a form of natural selection in that it rewards innovation whereas a monopoly on policy creation stifles it.¹⁴ Competition could be considered as a form of fiscal restraint in that each competing government wants to make their jurisdiction more attractive through cheaper costs to citizens. This notion applies equally to services and to policies as citizens hypothetically search for what they perceive are 'better' or more citizen-friendly venues to live. Thus we can see that pressures on local governments, be they financial or simple competition for service delivery from an adjacent unit of government, tend to breed innovation.

III-Leadership

Leaders provide the direction and inspiration necessary to develop and implement innovative policies. Leadership plays two major roles in the policy development process, but in order to appreciate these roles we first must define the term 'leadership.' For this paper the definition provided by Vincent Hoffmann-Maritinot will suffice: "leadership may be defined as a process whereby an individual influences a group of individuals to

¹³ Clark, "Innovations That Work," 230-234.

¹⁴ Gaebler, Ted and Osborne, David. *Reinventing Government: How the Entrepreneurial Spirit is Transforming the Public Sector*. Reading, MA: Addison-Wesley Publishing Company, 1992. 83.

achieve a common goal."¹⁵ This definition implies that power is a key element to leadership, and Porter surmises that "social experiments require power."¹⁶ Certainly innovative policies, as threats to the status quo, represent a social experiment, and effective leadership is therefore essential for the development of such policies. Thus it is leaders who rise above the opposition to this process, of which there are sure to be many when the status quo is threatened, and spearhead policy innovation. Clark argues that the last two decades have seen a growth in "new, talented leaders who develop creative forms of service delivery and distinctive general leadership patterns."¹⁷

Clark's point hints at the primary role of leadership in the development of innovative policy: to provide direction or inspiration. Porter cites how innovation can occur only when politicians have a vision that is greater than the sum of the special interests of particular groups.¹⁸ In other words a strong leader must provide a vision beyond the goals of the influential groups detailed above. Although Clark and Gaetz argue that leaders often follow as much as they lead,¹⁹ this view overlooks the above conclusion that for a policy to be considered innovative it must rise against the status-quo. Hence if a policy does not threaten the status quo it cannot be considered to be innovative, leadership would be less significant, and Clark and Gaetz's arguments would thus be rendered moot. Although it may be true that councillors have become 'null

¹⁵ Hoffmann-Martinot, Vincent. "Urban Political Parties: Role and Transformation." in Clark, Terry Nicholas, and Hoffmann-Martinot, Vincent, eds. *The New Political Culture*. Boulder, CO: Westview Press, 1998. 315.

¹⁶ Porter, 372.

¹⁷ Clark, "Introduction," 2.

¹⁸ Porter, 376.

¹⁹ Lightbody, *City Politics in Canada*. 316.

politicians' whose role is primarily representational and reactive,²⁰ leaders with vision are capable of providing direction to these councillors and the end result can be innovative policies.

The above discussion has hinted at the second major role of leadership: to deviate from or dramatically alter political norms and structures. In Lightbody's view the preceding qualities are essential for innovation whereas to win election a candidate "must generally have conformed to a community's political norms."²¹ A leader therefore must be willing to develop policy that tests the boundaries of public opinion. Speaking within a partisan context, Clark points out how "strong leaders backed by a strong party, can say no to group demands, because their political base is powerful enough to let them say no."²² What this means is that leaders have to be willing to challenge the status-quo through an innovative policy, but coincidentally must also be pragmatic enough to garner enough support to do so. Although Clark's argument is framed within a partisan context, city councils without parties tend to boil down to coalitions among like-minded councillors.²³ These informal 'parties' are capable of providing the support mechanisms needed to challenge the status-quo.

Two final points on the role of leadership must be made. Firstly, the above discussion about leadership has been predicated on leadership within a government institution - typically City Hall. However, leadership is also important in the institutions outside of City Hall that influence policy innovation: interest groups, business, and the

²⁰ Lightbody, James. "Surviving City Politics." in Lightbody, James. ed. *Canadian Metropolitics: Governing Our Cities*. Toronto: Copp Clark Limited, 1995. 293.

²¹ Lightbody, *City Politics in Canada*, 322.

²² Clark, "Introduction," 8.

²³ Lightbody, James. "Finding the Trolls Under Your Bridge: The New Case For Party Politics in Canadian Cities." *Journal of Canadian Studies*. Vol.34, No.1 (Spring, 1999). 175.

bureaucracy. It only stands to reason then that the leadership of these institutions also plays key roles much as is the case at City Hall. Finally, it should be clarified that although policy innovation and the leaders who support such policies challenge the status quo, sustaining this challenge is not possible by 'going alone.' Thus an important role for an effective leader is the accumulation of political capital ('good will') which may later be spent on accomplishing change.²⁴ Good will facilitates an easier challenge to the status quo and consequently can facilitate policy innovation.

IV-Implementation

As the aspect of policy most widely experienced by citizens, the implementation of a policy is key to its ultimate success. Leslie Pal, in his study of public policy, differentiates between a policy's plan and its implementation when he tells his readers to "think of design as the blueprint for the policy and implementation as its execution."²⁵ Pal goes on to define implementation as "an execution process, an elaboration, a realization of schemes and conceptions, the building of links in often long chains of decisions and agreements."²⁶ Thus implementation can be considered to be a complex process, the result of which may or may not closely resemble the theoretical bases of the policy when it was inspired and designed.

Feasibility is a key factor in policy implementation that is contingent on the political context of each city. From a policy standpoint, feasibility is connotatively what

²⁴ Lightbody, *City Politics in Canada*, 318.

²⁵ Pal, Leslie A. *Beyond Policy Analysis: Public Issue Management in Turbulent Times*. (3rd ed). Scarborough, ON: Nelson Thompson Learning, 2005. 191.

²⁶ Ibid. 199.

kind of policy goals can be reasonably expected to be implemented in a given city. Clark gives greater grounding to the above definition when he argues that feasibility flows from the political culture of the city.²⁷ Thus it is difficult to make broad generalizations about under what conditions a policy can potentially be implemented in a given city. Rather, it must be done on a case-by-case basis whereby the political context and culture of the city are taken into full consideration.

The issue of who implements an innovative policy is also key. Pal argues that implementation should fall to "agencies or individuals [who are] sympathetic to its goals."²⁸ Presumably this will minimize any implementation problems or conflicts of interest. Pal's argument may be less of a factor in the Canadian political context given Canadians' oft-noted traditional deference to authority. Various government institutions are often seen as ideal implementers of policy, yet in light of the limited resources available to city governments, this role is often best accomplished with the aid of outside institutions. This arrangement can prove to be problematic as Howlett and Ramesh point out that unity within and among various branches and agencies of the government are also key factors affecting implementation.²⁹ Disunity, in the form of conflicting goals between different departments or levels of government, is thus a serious obstacle.

The kind of policy being introduced and various structural factors are the two most important factors that contribute towards the successful implementation of a policy. More specifically, the first factor refers to the 'newness' of a policy combined with the degree that it challenges the status quo. The second factor is of special importance given

²⁷ Clark, "Introduction," 4.

²⁸ Pal, *Beyond Policy Analysis*, 194-195.

²⁹ Howlett and Ramesh, 60.

the general prevalence of status-quoism in local governments. Pal summarizes various other key factors that contribute to the chances of a successful implementation: "a good causal theory, a relatively narrow range of targeted behaviour, a small population target group, and a small desired change in behaviour as a result of policy make implementation more successful."³⁰ In particular, if a policy challenges key groups such as either business or labour, both of which have been described as having a significant effect in determining a state's policy capabilities,³¹ a policy will likely be increasingly scrutinized and therefore be more difficult to implement successfully. On the other hand, having a powerful interest group to help promote the new policy and act as a public relations firm in a way, through advertisements or media events, also helps aid in policy implementation.³² Thus how key institutions are affected by a policy can influence how policy is implemented.

Thomas Dye's classic text on public policy forcefully argues that structural characteristics of cities have some independent effect on urban policy.³³ Thus, structural factors should be considered in the successful implementation of an innovative policy. In the context of the paper, structural factors refer to the organization of government and government departments. For instance factors such as political parties, a strong mayor versus a weak mayor system, how councillors are elected, indeed even the number and roles of councillors can all have an important effect on the implementation of policy. Speaking in more practical terms, Lightbody argues that "the capacity for innovation is

³⁰ Pal, 193.

³¹ Howlett and Ramesh, 66.

³² Lightbody, "Adventures in Adequacy," 79.

³³ Dye, Thomas R. *Understanding Public Policy*. Englewood Cliffs, New Jersey: Prentice-Hall Inc., 1972. 179.

highest with both a strong mayor and a strong manager."³⁴ Essentially, strong mayors, connotatively defined as a mayor who is not simply another councillor, can better introduce and pass innovative policies in a leadership role and can thus better contribute to their successful implementation. Parties promote strong leadership and provide the support system needed for innovation, yet a formalized partisan system of local government is not required for policy innovation. More councillors means more minds working on policy problems, but this structure may promote a more localized, rather than a city wide, outlook. Finally, councillors elected in at-large elections will also tend to favour the latter view.

V-Barriers to Implementation

The final topic discussed in this theoretical grounding of innovative policies is barriers to their innovation. Here there are basically four barriers that must be overcome for policy to be fully and successfully implemented: ad-hocism, structural barriers, status-quoism, and the dissatisfaction of affected groups. Each of the above represents an important obstacle to the implementation of innovative policy.

Ad-hocism, roughly synonymous with 'muddling through,' is the lack of a long term cohesive vision combined with a tendency to develop and implement policy in response to, rather than in anticipation of, social pressures. Ad-hocism may result in policies that, due to a lack of long term planning, tend to conflict with each other and may even have contrary goals. This obstacle is optimally avoided through long term planning which is difficult to achieve given the finances of most local governments.

³⁴ Lightbody, "Adventures in Adequacy," 83.

Gaebler and Osborne cite the segmentation that often stems from ad-hocism as the primary roadblock to innovation; moreover, they claim that even if an innovative policy is implemented, it rarely proliferates throughout government due to the minimal communication between government departments.³⁵

Structural barriers are also a key obstacle for local governments to overcome. Many of these structural barriers exist in the formal arrangement of local governing institutions.³⁶ These barriers inhibit the communication and coordination needed to implement policy. Yet another major structural obstacle outside of the sphere of local government can be found in Canada's federal system. Given the lack of constitutional status for municipalities, and their subsequent subordinated role as 'creatures of the provinces' municipalities frequently lack the independence to develop policies on their own. The subordinate constitutional status of municipalities represents an obstacle to policy innovation particularly in areas where policy-making and implementing are characterized by jurisdictional overlap as it further complicates lines of intergovernmental communication and may also lead to mixed priorities in policy development.³⁷

Innovative policies must also combat the general feelings of status-quoism that are typically prevalent in most populations. Lightbody observes how "promoting change is always difficult because it involves overcoming resistance."³⁸ Not only must an innovative policy overcome status-quoism but it must also deal with the 'wait and see approach.' What this means is that support for a policy can decline after its

³⁵ Osborne and Gaebler, 269.

³⁶ Lightbody, *City Politics in Canada*, 316.

³⁷ Howlett and Ramesh, 61.

³⁸ Lightbody, *City Politics in Canada*, 315.

implementation when its full effects are practically felt. Howlett and Ramesh point out how this can represent an opportunity for "the implementers to vary the original intent of the policy."³⁹ Yet it is not difficult to perceive how this can ultimately result in the loss of 'innovativeness' of the policy as it wilts under the strain of public pressure.

Groups adversely targeted by a policy will present a barrier to its implementation. There is an obvious relation between the power of the group affected and the success of the policy implementation: "powerful groups affected by a policy can condition the character of implementation by supporting or opposing it."⁴⁰ The groups in question here are the usual suspects of interest groups and business who possess sufficient resources to affect policy implementation. Interest groups can be a particular menace to implementation by campaigning through staged public protests which typically draw sizable media coverage. Businesses are more likely to use their financial resources, through legal action or produced media advertisements, to express their discontent. Clearly, City Hall must be mindful of these groups when developing and implementing policy.

VI-Conclusion

Defining, developing and implementing innovative policy is a highly complex process that involves multiple inputs from differing contexts. What remains to be seen is how the concept of policy innovation as presented here applies to a practical example: in this case the City of Edmonton's smoking bylaw. The theory laid out in this chapter will

³⁹ Howlett and Ramesh, 156.

⁴⁰ Howlett and Ramesh, 155-156.

be applied to the above practical example with the goal of proving that the smoking
bylaw was indeed an innovative policy.

Chapter Two:

Inspirations, Opponents, Support, and Acceptance: An Historical Retrospective and

Discussion Surrounding Edmonton's Bylaw 13333

Introduction

The purpose of this second chapter is to tell the story of Edmonton's bylaw 13333. Naturally this will go beyond simply delineating the text of the legislation which states that the goal of the new smoking bylaw is "to reduce exposure to second-hand smoke."⁴¹ This chapter opens with an examination of the bylaw itself and how the tougher smoking restrictions are reflective of an historical trend of increasing City of Edmonton legislation against public smoking. Following that, the inspirations for the bylaw will be outlined so as to give the appropriate background to the new policy. The response of City Council to these inspirations will be examined in the following section with a critical breakdown of key votes regarding bylaw 13333 that will reveal the core supporters of the new law on council. Next, the groups opposed to the bylaw will be delineated with an emphasis on the organizations that developed, the strategies they employed to express their discontent with the new law, and towards whom these strategies were targeted. A similar discussion will follow regarding the groups that developed in support of the bylaw. Given the temporal proximity of the debates surrounding the new bylaw and the 2004 civic election, it would be foolhardy not to evaluate the effect of the bylaw debates on the election results. It will be shown that although it is tempting to conclude that the 2004 election was a quasi-plebiscite on the smoking bylaw, several factors undermine the legitimacy of that contention. Finally, the post-election period will be briefly discussed with an emphasis on the enforcement of the new smoking bylaw.

⁴¹ City of Edmonton. "Smoking Rules and Regulations." [edmonton.ca](http://www.edmonton.ca). 5 April, 2003. http://www.edmonton.ca/portal/server.pt/gateway/PTARGS_0_2_691048_0_0_18/smoking+Bylaw.htm (20 Oct 2005).

This chapter uses a pluralistic approach to evaluate the multiple forces that attempted to influence both City Hall and Edmontonians in the discussions surrounding the bylaw. The deficiencies typically associated with classic pluralism, namely the fallacy of City Hall being a disinterested 'black box' and the equality of all groups attempting to influence the policy process, are acknowledged and countered through flushing out the biases evident in City Hall and the disproportionate distribution of resources to the different competing groups attempting to influence the policies stemming from City Hall. This pluralist approach is mixed with a continual sub-theme of class analysis through which it will be shown that bylaw opponents tended to be of a working class demographic as juxtaposed to bylaw proponents' upper-middle class orientation. This analysis could be further refined as populist opponents against professional proponents. Apart from the pluralism already discussed the methodology employed here relies largely on media sources, government documents, interest group publications, personal interviews, and several academic studies.

Part I - The Bylaw

The City of Edmonton smoking bylaw, bylaw number 13333, attempted to curb second-hand smoke exposure by drastically reducing the number of legal smoking venues. According to City of Edmonton literature the new smoking bylaw basically signified that "smoking in bars, casinos, and bingo halls. . . will be prohibited as of July 1, 2005."⁴² Although most venues would be legally obligated to become smoke-free,

⁴² City of Edmonton. Come on in . . . enjoy a breath of fresh air. City of Edmonton, July 2005.

some exceptions remained: private living accommodations, a workplace in which a smoking area is established strictly for employees only, private vehicles, and outdoors in an open-air environment.⁴³ The last restriction includes the area directly outside of a building, although there were strict limits on how close a smoking zone could be to an entrance way; smoking on a patio or in a public transport vehicle was also forbidden.⁴⁴ A few exceptions aside, the Edmonton smoking bylaw comprehensively banned smoking within indoor establishments located in Edmonton. The penalty for a violation of the new regulations, applicable to both citizens and establishments, ranged from a fine of \$250 to court-imposed fines of up to \$10 000 for those who habitually smoke, or permit smoking, in no-smoking areas. In addition, the bylaw cites that "proprietors who consistently fail to meet their obligations may have their business license reviewed for possible suspension and/or revocation."⁴⁵ Such harsh deterrents are indicative of the high priority attached to bylaw 13333, and by extension, the City's ambition of reducing second-hand smoke exposure. In sum, on the pain of harsh fines and equally stern business sanctions, the City of Edmonton proceeded to pursue its stated goal of reducing exposure to second-hand smoke by forbidding smoking in most public indoor areas.

Bylaw 13333 represented a great increase in comprehensiveness compared to prior City-based smoking restrictions in Edmonton, but was coincidentally reflective of a distinctive historical pattern of increased anti-tobacco legislation at the city level. Although smoking regulation by the City goes back decades, it was throughout the eighties and nineties that anti-smoking laws were increasingly developed and enforced. In

⁴³ Ibid.

⁴⁴ City of Edmonton. "Smoking Rules and Regulations."

⁴⁵ Ibid.

1992 bylaw 10130 was passed which limited smoking in, among other venues, retail stores, places of employment, and lounges; it was additionally regulated that ventilation and physical barriers must be used to divide smoking and non-smoking areas.⁴⁶ Eight years later, through bylaw 12366, smoking was further restricted to 65 per cent of the floor space at licensed gaming events, although casinos were still exempt.⁴⁷ The May 1, 2001 passage of bylaw 6177 both confirmed the City's position towards smoking regulation and served as a portent to future regulation. Bylaw 6177 boldly, and controversially, acknowledged that "second-hand tobacco smoke is a health hazard" and further limited smoking in eating establishments such as food courts and restaurants to no more than 50 per cent of the floor space for smokers aged eighteen years or older.⁴⁸ Bylaw 13333 thus represented a logical step forward in an historical progression of increasing limits on public smoking. This progression meant that in the space of less than twenty years Edmonton evolved from an area of relatively loosely regulated public tobacco use into a city determined to stamp out public smoking as demonstrated through becoming one of the first Canadian cities to pass a comprehensive ban on indoor smoking.

Part II - Inspirations

A major source of inspiration for the smoking bylaw was popular demand for stricter limits on public smoking as reflected in the positive citizen reaction to the bylaw, and to tighter restrictions on public smoking in general. For the most part surveys from

⁴⁶ City of Edmonton. Bylaw 10130. June 23, 1992.

⁴⁷ City of Edmonton. Bylaw 12366. December 19, 2000.

⁴⁸ City of Edmonton. Bylaw 6177. May 1, 2001.

other venues with similar smoking legislation detailed an impressive level of support for tougher smoking restrictions: approximately 83 per cent of restaurant owners indicated that they had received positive feedback on the smoke-free environment from their clientele and 71 per cent said that the smoke-free environment improved the dining experience of their patrons.⁴⁹ Seventy-four per cent of respondents felt that their clientele has enjoyed the smoke-free environment and 81 per cent had received positive feedback on the smoking restrictions.⁵⁰ Although polls such as the above can be, admittedly, problematic, other information hints at the importance of popular support as inspiration for the bylaw. When asked to identify the major driving forces behind bylaw 13333 Mayor Stephen Mandel quickly identified popular support from ordinary citizens as a "big factor" in the development of the new smoking legislation.⁵¹ Similarly veteran Councillor Michael Phair listed the "general sentiment of the public" as a major source of inspiration behind the new smoking bylaw.⁵² Certainly popular support was not unanimous; according to one report some respondents indicated that the bylaw was unfairly harsh towards small businesses . . . [due] to the fact that the 'playing field' was no longer level.⁵³ Despite some initial opposition, City Council responded to the will of the majority of citizens, as demonstrated in the above polls and anecdotes, by developing a policy to limit widespread exposure to second-hand smoke.

A second source of inspiration for the smoking bylaw was the City of Edmonton's bureaucracy who developed specific policy options in response to the popular demand to

⁴⁹ City of Edmonton. Report on Smoking Bylaws. Attachment i "Detailed Review of Smoking Bylaw Regulations." Edmonton: City of Edmonton, June 18, 2002. 4.

⁵⁰ City of Edmonton. Report on Smoking Bylaws. Attachment iv "Smoking Bylaw Survey Comments." June 18, 2002. 11.

⁵¹ Mandel, Stephen. Interview by the author. Edmonton, AB., 30 March 2006.

⁵² Phair, Michael. Correspondence with the author. Edmonton, AB., 4 April 2006.

⁵³ City of Edmonton. Report on Smoking Bylaws. Attachment i. 4.

limit second-hand smoke exposure. An examination of position papers provided by the bureaucracy to City Council provides evidence for the claim that the City's administration was heavily supportive of the bylaw's eventual near total ban on public indoor smoking. Bureaucrats delineated two alternatives in pursuit of the Council-set, and publicly supported, objective of reducing exposure to second-hand smoke: prohibit smoking in all public places, or provide for designated smoking rooms equipped with separate ventilation systems.⁵⁴ Combined with fears that installing a ventilation system represented a significant financial barrier to many businesses, examples from other Canadian cities demonstrated the feasibility and successes of the comprehensive solution compared to its alternative, and also demonstrated that comprehensive indoor smoking bans were increasingly becoming the norm in Canada. Bureaucratic reports criticized designated smoking rooms and ventilation as a solution to the problem of exposure to second-hand smoke as it typically required "high capital investment that is prohibitive to smaller operators, and for many [establishments] adding on to their current location is not possible."⁵⁵ The bureaucracy also examined external reports regarding the merits of designated smoking rooms and found that "many expert assessments . . . hold that ventilation does not remove all the toxic constituents of tobacco smoke from the air and provides no solution to the problem of exposure to second-hand smoke."⁵⁶ Thus the designated smoking rooms/ventilation solution was quickly rejected not only due to its high costs, but also because of the questionable degree to which it could fulfill the stated policy objective.

⁵⁴ City of Edmonton. Report on Smoking Bylaws. Attachment iv. 20.

⁵⁵ Ibid.

⁵⁶ City of Edmonton. Report on Smoking Bylaws. Attachment iii. "Enhanced Air Filtration, Separating Walls, and Enacting Legislation." September 9, 2002. 14.

In light of the ventilation alternative being portrayed as impractical and potentially ineffective, the focus of the bureaucracy quickly shifted to evaluating, and promoting, the merits of a comprehensive ban on smoking. Despite acknowledging that "there is an overall shortage of comprehensive economic impact studies monitoring the real impact of smoke-free legislation in Canada"⁵⁷ bureaucracy reports presented an abundance of short-term case studies based on other Canadian cities exemplifying the positive aspects of a comprehensive ban. Generally speaking, City of Edmonton reports found that "among the studies from jurisdictions that have adopted or are proposing a smoke-free bylaw there is little risk of the hospitality industry losing business if bars and restaurants go smoke free."⁵⁸ Moreover, the shift to smoke-free venues was depicted as a potential financial boost for businesses with the potential benefits including lower insurance costs, lower cleaning costs, less frequency of damage to the furniture and equipment, a decrease in absenteeism costs, and increased productivity resulting from smoke-free workplaces.⁵⁹ Few studies were cited that detailed any potential negative effects for businesses, and any studies that did present contrary data were quickly criticized for "unsound research, manipulation of data, and obvious biases."⁶⁰

In addition to the general points made above, the benefits of an outright ban on smoking in most public places were buttressed by case studies from cities across Canada. Specific examples are discussed in detail below but generally information from Ottawa, British Columbia, Toronto, and Calgary presented the merits of the comprehensive solution. Clearly these case studies were taken seriously as Councillor Phair cites how

⁵⁷ City of Edmonton. Report on Smoking Bylaws. Attachment ii. "Economic Impact of Smoking Prohibition." September 9, 2002. 9.

⁵⁸ Ibid.

⁵⁹ Ibid.

⁶⁰ Ibid.

"examples of other Canadian and American cities/provinces/states were referenced as to how such a bylaw could work and be effective."⁶¹ Not only did the case studies demonstrate a comprehensive ban in its practical form, but they also demonstrated how such bans were becoming an increasing trend in Canadian cities. A report in the *Canadian Medical Association Journal* described the growing number of smoke-free municipalities: "since Victoria became the first city in 1999, it has been joined by Ottawa, Winnipeg, Fredericton, London . . . and Hamilton will take similar steps shortly."⁶² A separate article in the same publication described how five provinces and territories and at least seventy-five municipalities will be entirely smoke-free by 2005.⁶³ Such examples and studies clarified to council that smoking bans were the way of the future for Canadian municipalities. Below, the most significant examples presented to council by the bureaucracy are explored with an emphasis on how each case contributed to the support of a comprehensive bylaw versus any other alternatives to limiting second-hand smoke exposure.

The example of Ottawa's comprehensive ban on indoor smoking provided an ideal case study for the City of Edmonton to learn from. Apart from coincidental policy goals the two cities share a similarly sized population as well as an analogous potential problem of citizens skirting any local bylaws by leaving city boundaries for smaller suburbs with potentially more lax smoking regulations. In the case of Ottawa this meant a possible outpouring of smokers to Hull, Quebec, and in the case of Edmonton the potential for flight from tough smoking restrictions to smaller suburbs such as St Albert,

⁶¹ Phair, Michael. Correspondence with the author. Edmonton, AB., 4 April 2006.

⁶² Anon. "Butt out or lose our business, CMA tell cities." *Canadian Medical Association Journal*. 170.7 (2004): 1189.

⁶³ Mackay, Bradford. "Butting out in Canada: five down, eight to go." *Canadian Medical Association Journal*. 171.6 (2004): 558.

Stony Plain, Sherwood Park, or Fort Saskatchewan was undeniable. Finally, as seats of government, both Edmonton and Ottawa are home to government institutions which are major employers within each city which hints at a sizable white-collar, upper class presence in each city: the importance of this factor will be discussed throughout the course of this chapter.

In line with the City of Edmonton's bureaucratic opinion, Ottawa banned smoking in all public places including restaurants, bars, casinos, and bingo halls effective August 1, 2001. Surveys undertaken in Ottawa cited in the City of Edmonton reports clearly showed a high degree of popular support among Ottawa citizens for the new smoking bylaw: seven out of ten residents were supportive, and of that group 53 per cent strongly supported the bylaw.⁶⁴ Not only did the bylaw enjoy popular support, but, contrary to many expectations, several business groups also expressed their enthusiasm for the new regulations. Indeed, the Ottawa chapter of the Ontario Restaurant Hotel and Motel Association applauded the comprehensive ban while coincidentally rejecting designated smoking areas in claiming that ventilation "was not the answer to resolving employee health care issues nor was it a solution available to all establishments."⁶⁵ Employment figures further portrayed Ottawa's smoking policy as a glowing example for Edmonton to follow: employment in accommodation and food service sectors have risen 6.5 per cent despite a decline in total employment of 3.1 per cent, employment insurance claims in relevant industries declined 5 per cent from the previous year, and bankruptcy and insolvency statistics for restaurants were lower than in the previous two years.⁶⁶ Any

⁶⁴ City of Edmonton. Report on Smoking Bylaws. Attachment i. "Recent Proposed Legislative Changes and Ramifications." September 9, 2002. 3.

⁶⁵ Ibid.

⁶⁶ City of Edmonton. Report on Smoking Bylaws. Attachment ii. 11.

potential circumvention of the bylaw via increased patronage in suburban areas was addressed by arguing that a smoke-free environment was a potential benefit for businesses as, within the Ottawa context, public consultations determined [that] Ottawa businesses may benefit due to an influx of new customers who patronize Ottawa businesses because they prefer a smoke-free environment.⁶⁷ Fears of non-compliance by affected businesses were quelled by Ottawa examples which showed that initially 95 per cent of bars and restaurants obeyed the new bylaw.⁶⁸ Finally, the Ottawa bylaw's soundness was proven in both the legal and practical sense in that it had withstood a number of legal challenges from businesses, some attempting to be classified as private clubs with the intent of side-stepping the bylaw.⁶⁹ The strong congruency between Edmonton and Ottawa in demographics and potential issues surrounding the bylaw further enhanced the utility of the case study and depiction of Ottawa as a positive example of the effects of a comprehensive smoking ban. In short, Ottawa's example proved that legislation such as bylaw 13333 was a feasible solution, and also one with limited negative impacts, to the issue of second hand smoke.

The example of British Columbia's ban on smoking served as a further test case for the impacts of a smoking ban, and was also a testament to the influence of non-government actors in the development and implementation of smoking legislation. Two major BC cities have taken separate paths regarding public smoking restrictions: Victoria passed a comprehensive ban in 1999, while Vancouver passed a similar piece of legislation in 1996 albeit with a lengthy four year implementation period which allowed

⁶⁷ City of Edmonton. Report on Smoking Bylaws. Attachment ii. 11-12.

⁶⁸ City of Edmonton. Report on Smoking Bylaws. Attachment i. 3.

⁶⁹ Ibid.

the use of designated smoking rooms and ventilation up until mid-2000. Both cities' legislation stood despite several legal challenges initiated by hospitality establishments. The British Columbia Worker's Compensation Board, a major proponent of comprehensive smoking bans, extended its regulations restricting smoking to include all hospitality, public entertainment, and long-term residential facilities in the province effective January 1, 2000. All BC establishments were therefore effectively rendered smoke-free by this declaration. Although the WCB ban was later successfully challenged in court, the WCB legislation was key in that it forced Vancouver, among other BC municipalities, to amend its bylaw to enhance public protection from second-hand smoke. During the debate surrounding the development, and later the implementation of new smoking legislation, the WCB publicized their opposition to the ventilation solution by criticizing its effectiveness as a countermeasure to second-hand smoke exposure. WCB publications and website highlighted numerous statistics on the adverse health risks faced by service employees due to second-hand smoke exposure such as having a 50 per cent higher rate of lung cancer than the general population.⁷⁰ Moreover, the familiar argument that due to its prohibitive costs for many owners, which the WCB calculated as ranging from \$3 000 to \$10 000, ventilation systems would actually reduce employment was also brought to light.⁷¹ The reaction in both BC cities to the smoking bans was generally positive, and business did not seem to unduly suffer as a result.⁷² What is significant about the case of BC is not so much the success of the smoking bans, but rather the key role played by the WCB which was largely responsible for the province-wide ban.

⁷⁰ City of Edmonton. Report on Smoking Bylaws. Attachment iii. 15-16.

⁷¹ Ibid. 14.

⁷² City of Edmonton. Report on Smoking Bylaws. Attachment ii. 12.

Applied to Edmonton, the BC case demonstrates the power of organizations who typically operate beyond the bounds of city hall in promoting a specific piece of legislation. Moreover, the two BC cities proved that similar smoking bylaws were the way of the future. In Victoria this was shown by their early implementation of tight anti-smoking legislation. Vancouver, despite lengthy delays, was also on the path towards legislation similar to that in Victoria prior to the WCB's declaration. Certainly it is difficult to gauge the degree to which the Edmonton bureaucracy accurately reflected the role and importance of the WCB in the evolution of anti-tobacco legislation in British Columbia. Indeed, such a question likely constitutes a separate research study entirely. What is certain however is that the BC WCB played an undeniable role in supporting a province wide ban which superseded any legislation developed and implemented by municipal governments.

In contrast to the successes of smoking bans in Vancouver, Victoria, and Ottawa the examples of Calgary and Toronto pointed at the potential drawbacks of a comprehensive ban, yet even from these apparently contrary examples, the appeal of comprehensive smoking bylaws was demonstrated. In the case of Calgary, a smoking bylaw was passed in November of 2001 that limited smoking to areas no larger than 25 per cent of the premises and mandated a physical separation between separately ventilated smoking rooms and the rest of the premises.⁷³ In 2003 a comprehensive ban was passed but enforcement will not begin until January 1 of 2008. At the time the rationale for the less strict smoking bylaw was that the public did not display the level of support for stricter smoking restrictions as was the case in Ottawa or Victoria. However,

⁷³ City of Edmonton. Report on Smoking Bylaws. Attachment i. 6.

it is worth noting that recent public opinion has grown in favour of fast-tracking the comprehensive ban for implementation prior to its scheduled date of 2008. Increased public support for a bylaw similar to Edmonton's has been demonstrated by numerous opinion pieces in the local newspapers, letters to the editor, and a petition, gathered by several University of Calgary students and signed by over 12 000 Calgarians, to fast-track the implementation of the smoking bylaw.⁷⁴

Relative to Edmonton, the significance of the Calgary example is to demonstrate the evolution of public support for the bylaw: from a city unwilling to accept a comprehensive ban to the citizens of the same city demanding that such a ban be implemented sooner than scheduled. Thus the case of Calgary demonstrates that comprehensive smoking bans, although once of questionable popularity, are now being widely demanded by citizens, even those of a city which was at first slow to adopt tough smoking restrictions.

The city of Toronto exhibited a similar pattern of embracing a comprehensive smoking bylaw, but only after first emphatically rejecting it. In March of 1997 the City of Toronto enacted a complete ban on smoking in restaurants and bars. However, a City of Edmonton report detailed how mounting pressure from the hospitality industry resulted in the ban being amended a month later to allow for designated smoking areas in small areas of restaurants, bars, casinos, and billiard and bingo halls.⁷⁵ Certainly the regressive nature of the Toronto ban reflected the importance of opposition groups backed by the hospitality industry. The Toronto example shows that such opposition groups were not to be taken lightly in the wake of their successful challenge to an initial attempt at a

⁷⁴ Tetley, Deborah. "Students press mayor to fast-track smoking ban." Calgary Herald [Calgary] 28 February, 2006, Metro ed.: B6.

⁷⁵ City of Edmonton. Report on Smoking Bylaws. Attachment i. 5.

comprehensive ban. The level of resistance to even the ventilation solution was significant as demonstrated by the numerous enforcement problems that befell the city of Toronto.⁷⁶ Much as was the case in British Columbia, it fell outside the purview of municipalities to calm the controversies surrounding the smoking bylaw. On June 8, 2005 the Province of Ontario passed the *Smoke-Free Ontario Act*, by a decisive vote of 71-6, which effectively prohibited smoking in all indoor venues throughout the province of Ontario effective on May 31, 2006. Hence Toronto, along with several other Ontario municipalities was dragged towards a comprehensive ban by their provincial government.

The significance of the Toronto case to Edmonton is two-fold. Firstly, it highlights the power of opposition groups whose capability to alter or even block a policy was demonstrated. Secondly, Toronto illustrated the ease with which a provincial government can implement similar legislation if a city does not. This is made possible given the nature of the Canadian federal system where municipalities are bound by the Constitution to comply with any provincial conditions, including smoking regulations. By passing similar legislation without provincial influence, municipalities can exercise a degree of independence regarding the timeframe and details of their own smoking legislation. As a corollary the Toronto example demonstrates the relative ease with which City legislation can be attacked by a small organized clique of resistance. Clearly provincial governments are less easily persuaded by similar groups. Surely the example of Toronto would encourage a city to pass such legislation crafted to their own specifications rather than being forced to adapt to regulations laid down by their

⁷⁶ DeMara, Bruce. "Smokers get no relief in winter." *Toronto Star* [Toronto] 4 December, 2004, Ontario ed.: E02.

provincial government. Finally, Toronto also testified to the increasing prevalence of comprehensive smoking bans throughout Canada.

To sum up, the inspirations for the Edmonton smoking bylaw were popular opinion, the City's bureaucracy, and the examples of similar bylaws in other Canadian cities. Each of the above inspirational factors played a distinct role: popular opinion gave council the public demand and support for a comprehensive anti-smoking bylaw; the City's bureaucracy offered a specific opinion on the matter by endorsing one of two potential policy options; and the examples from other cities contributed lessons learned from other venues and also foreshadowed the problems and solutions that have emerged from similar policies. Together the above forces combined to provide Edmonton City Council with the inspiration and backing to develop and pass bylaw 13333. It is to the debates that occurred within city council as well as the votes on council that the discussion will now turn.

Part III - City Council

Throughout its development, bylaw 13333 mustered a significant and consistent level of support on City Council. Writing about smoking legislation in general Mark Asbridge tells us that "of all the potential influences on policy enactment . . . [council] debate is perhaps the most important."⁷⁷ Thus it can be unsurprisingly hypothesized, and demonstrated by the case of bylaw 13333, that the level of support on Council is indicative of the probability that a particular piece of policy will be implemented.

⁷⁷ Asbridge, Mark. "Public place restrictions on smoking in Canada: assessing the role of the state, media, science and public health advocacy." *Social Science and Medicine*. 58 (2004): 16.

Edmonton city council consists of twelve members, elected from six geographic wards with two councillors per ward, and a mayor; thus the total number of votes on council is thirteen. In the particular instance of all debates pertaining to bylaw 13333 one Councillor, veteran Terry Cavanagh, removed himself from the council chamber due to, in his view, a conflict of interest stemming from various family-owned businesses that would be affected by the bylaw.⁷⁸ This reduced the total number of votes on council in matters regarding the smoking bylaw to a final total of twelve.

The best manner to gauge support for the bylaw on city council is to observe and quantify council votes on bylaw 13333 and subsequent amendments. Without delving into an exhaustive analysis of every vote on bylaw 13333 certain patterns of support can be ascertained through a retrospective of select key votes. The latter term is connotatively defined as a vote on either the bylaw itself (for instance in its final form) or on a key component of the bylaw such as locational exceptions or the date of enforcement. The votes were then analyzed by judging whether a councillor had voted either 'for' or 'against' the bylaw. However it is important to recognize that the simple for/against dichotomy is only so clear when voting on the bylaw in its final form. For other less explicit votes a vote 'for' is hereby defined as a vote to maintain the comprehensiveness and original time schedule of bylaw 13333. Hence a vote 'for' the bylaw, as defined in this analytical context, could be an actual vote against an amendment that proposes to further delay the implementation of all or part of the bylaw. A vote 'against' the bylaw is just the opposite - a vote that loosens the restrictions on smoking or delays the enforcement of the bylaw.

⁷⁸ City of Edmonton. City Council Minutes - March 23, 2003. 11-3.

Utilizing the analytical methodology detailed above, the results of the votes indicate a 'hard-core' group of six supporters for the smoking bylaw in Edmonton who cast votes 'for' the bylaw in all six key votes: Mayor Bill Smith, as well as Councillors Alan Bolstad, David Thiele, Jane Batty, Ron Hayter, and Michael Phair. Along with this group of six 'hard core' supporters Councillor Larry Langley was a soft-core supporter and voted 'for' the bylaw five out of six times. Significantly, Langley's vote against the final form of bylaw 13333 was his lone vote cast 'against.' The analysis of voting failed to reveal a 'hard-core' opposition group to be juxtaposed against Smith and the 'hard-core' supporters of 13333. Rather, only Councillor Ed Gibbons cast all six votes 'against' the bylaw. Additionally, Councillors Karen Leibovici and Stephen Mandel cast five out of a possible six votes 'against' the bylaw, yet both voted for the final form of bylaw 13333. Councillor Bryan Anderson also offered a weaker form of resistance by casting four out of six votes 'against' the bylaw despite eventually voting in favour of bylaw 13333's final form. The remaining councillor, Janice Melnychuk, cast three votes 'for' and three 'against' and is thus considered to be neutral on the issue. The relevant votes are broken down below:

From the above table it is clear that the pro-13333 forces typically outnumbered their opponents and could rely on a core group of six supporters and the likely support of one more; this total of seven votes would normally be sufficient to ensure any motion 'for' the smoking bylaw was carried. The core group of six supporters' chances of victory were further increased as they were never countered by a consistent opposition coalition of councillors. Indeed, even Councillors Mandel and Leibovici, both of whom had been consistent in their opposition, changed tact and voted for the final form of the bylaw. The result of all of this was that the pro-13333 coalition only needed the vote of the soft-core supporter Langley or that of the neutral Melnychuk to ensure the bylaw remained unaltered. In turn, and in relation to Asbridge's point, it is clear that this group of six, with assistance from either Langley or Melnychuk, could dominate council debates and ensure, in their view, the proper shaping, passage, and implementation of the smoking bylaw. Given this conclusion, the progression of the bylaw through City Council should have been expected. Finally, the defections at the final hurdle of Councillors Mandel and Leibovici, both consistent opponents of the bylaw, should be noted. Mandel explained his change of heart by explaining how he "supported exceptions that I thought were reasonable . . . in the end these lost and I supported the final bylaw because that's what I felt was best."⁷⁹ For her part Leibovici felt that despite her efforts the new smoking bylaw "was going to happen at the end of the day . . . and it's a good idea to be non-smoking."⁸⁰ Clearly, for both Mandel and Leibovici the issue of the smoking bylaw was one where the image of being on the right side of Council's vote trumped any prior feelings about the new restrictions.

⁷⁹ Mandel, Stephen. Correspondence with the author. Edmonton, AB., 26 June 2006.

⁸⁰ Leibovici, Karen. Interview with the author. Edmonton, AB., 23 August 2006.

Part IV - Opposition Groups

Bylaw 13333 was an extremely controversial bylaw that sparked much opposition from interest groups and hospitality establishments, among others, who felt that their business would be detrimentally affected by the new smoking bylaw. Galvanized by the equally rapidly approaching prospects of a civic election and the implementation of the bylaw itself, opposition groups were hardly silent in their resistance to the bylaw. This section outlines these groups and focuses on the roles they played, who they represented, what they wanted, what tactics they employed to express their discontent, and why they are significant in the story of the Edmonton smoking bylaw. More specifically, opposition groups that sprang up at the local level such as Edmontonians for Choice will be analyzed along side more national-based anti-smoking legislation groups such as the Fair Air Association of Canada. Specific establishments which felt threatened by the new bylaw - namely bars, bingo halls, private clubs, and restaurants - will also be discussed with a particular stress on their particular activism regarding the smoking bylaw. Finally, the importance of media in controversial issues such as the smoking bylaw will be touched on using a local Edmonton columnist who, unlike most of his colleagues, was strongly opposed to the bylaw as an example. The goal is to outline the concrete strategy developed by opposition groups which reveals an emphasis on the working-class orientation of these strategies.

In response to the spectre of a comprehensive smoking bylaw an organized opposition coalition, named Edmontonians for Choice (EFC), emerged as a major local force for developing and proliferating alternative solutions to the comprehensive smoking ban. On its website, the group defined itself as "a hospitality industry coalition

advocating freedom of choice in providing service to adult customers who wish to smoke.”⁸¹ The group also developed a slogan intended to appeal to feelings of localism by suggesting “a ‘made in Edmonton’ balanced solution, often interpreted as a cloaked desire for the status quo, to the smoking problem.”⁸² Thus although EFC may have grudgingly accepted the City’s policy goal of reducing exposure to second-hand smoke, they appealed to a sense of civic pride combined while emphasizing the right of freedom of choice for businesses and consumers as a means of suggesting an alternative solution to an outright ban on smoking. To all of this they next added a ‘david versus goliath’ element; businesses potentially affected by the bylaw were depicted as being unfairly punished by an overbearing city hall for the nature of their business and the choices of a liberal society: “EFC believes . . . [that] it is unfair for charities, communities, and the hospitality sector to foot the bill for health initiatives.”⁸³ Through the official, although now defunct, EFC website the group announced that its goal was to “give adult hospitality/entertainment organizations and those other affected businesses the option of providing service to adult smoking patrons.”⁸⁴ More specifically, EFC argued for ventilation as an alternative policy to an outright smoking ban by pointing out that ventilation as a solution to second-hand smoke had three clear benefits: the provision of a stable marketplace, a favourable compromise to a growing segment of the hospitality

⁸¹ Edmontonians for Choice. “Campaign Objectives.” [edmfchoice.com](http://edmfchoice.com/objectives.html). <http://edmfchoice.com/objectives.html> (23 Jan 2005).

⁸² Edmontonians for Choice. “Quick facts on smoking bans and designated smoking rooms (DSRs).” [edmfchoice.com](http://edmfchoice.com/quickfacts.html). <http://edmfchoice.com/quickfacts.html> (23 Jan 2005).

⁸³ Ibid.

⁸⁴ Edmontonians for Choice. “Campaign Objectives.”

industry and charities, and facilitation [*sic*] of adults exercising their right to freedom of choice.⁸⁵

In response to the possibility of similar bylaws being enacted, analogous coalitions sprang up coincidentally in the small towns surrounding Edmonton. In the Edmonton suburb of St. Albert Michael Mazepa, the general manager of the St. Albert Inn, formed a group imaginatively titled St. Albertans for Choice and claimed that over a month before election day, held simultaneously with Edmonton's election, his group had over three thousand members, each having paid a two dollar membership fee.⁸⁶ Admittedly the membership count of Mazepa's group was never fully verified, but nonetheless his organized opposition in St. Albert proves that resistance to the bylaw was not restricted to Edmonton.

Groups such as EFC and its St. Albert cousin provide some limited evidence that the smoking bylaw was a controversial issue that sparked an organized, publicly organized opposition. Academic analysis dictates that such coalitions cannot be easily disregarded. A health-based study describes community coalitions as having "emerged as a significant source of clout for effecting change in communities."⁸⁷ Although the same study argues that such coalitions lack the expertise to analyze and develop a solution to a broadly-based problem,⁸⁸ in the case of EFC the target was focussed and their alternatives were clear. Thus the major advantage of coalitions, summarized by Cramer, Mueller, and Harrop as "the diversity of talents that are assembled when several entities of the

⁸⁵ Edmontonians for Choice. "Campaign Objectives."

⁸⁶ Jeffs, Allyson. "Smoking bylaw lights angry fire." Edmonton Journal [Edmonton] 30 August, 2004, Metro ed.: B1.

⁸⁷ Cramer, Mary E., Mueller, Keith J., and Harrop, Dianne. "Comprehensive Evaluation of a Community Coalition: A Case Study of Environmental Tobacco Smoke Reduction." Public Health Nursing. 20.6 (2003): 464.

⁸⁸ *Ibid.* 465.

community come together,⁸⁹ was allowed to flourish. Past successes of opposition groups in Calgary also illustrated their significance in the policy process. Clearly, EFC and similar groups were to be taken seriously and, as seen below, were capable of producing and proliferating coherent policy alternatives to the comprehensive smoking ban dictated by bylaw 13333.

The arguments presented by EFC were essentially three-fold: support for the ventilation solution, the potential damaging costs to businesses brought on by a comprehensive smoking bylaw, and potential difficulties with implementation and enforcement. The goal here is to outline these points in more detail and not to evaluate their validity.

EFC's first major argument centred around support for the ventilation solution. The argument can further be broken down into three separate strains: a financial strain, a case-study strain, and a 'common sense' strain. From a financial standpoint EFC argued that the cost of implementing the ventilation solution was not as prohibitive as was often presented. Pegging the average cost at \$15 000, EFC claimed that this short-term loss was preferable and attainable to "all businesses . . . if the alternative is no customers."⁹⁰ Thus EFC reversed the logic presented by proponents of the smoking bylaw, that ventilation was an overly costly solution, by arguing that the short-term cost is outweighed by long-term economic benefits. This was to be a rare example of innovative reasoning on the part of the opposition forces. A similar tactic was used in the choice of case-studies, which were often based on the same cities cited by proponents of the bylaw, to argue the negative economic effects of a comprehensive smoking ban. Ventilation solutions as used

⁸⁹ Cramer, Mueller, and Harrop. "Comprehensive Evaluation of a Community Coalition." 465.

⁹⁰ Edmontonians for Choice. "Quick facts on smoking bans and designated smoking rooms (DSRs)."

in BC (prior to the province-wide WCB ban) and Toronto were depicted as being viable solutions that were not an unreasonable financial barrier to most businesses.⁹¹ Finally the EFC argued for ventilation based on appeals to common sense. Often this would involve arguments that relied on statements that put the dangers of second-hand smoke into a different perspective through statements such as "ventilation removes 99 per cent of all contaminants," and "the only way to achieve 100 per cent pure air is to wear an oxygen mask."⁹² By appealing to common sense arguments such as the above the EFC clearly hoped to convince citizens to re-consider any scientific arguments in light of the success of ventilation in other cities and other walks of life. Clearly this last strategy was specifically targeting blue-collar smokers who were unlikely to perceive the flaws in the contextual basis of their arguments. Moreover, this tactic could be interpreted as an attack on the elitist institutions responsible for the bylaw - namely the bureaucracy and City Hall - who were unfairly setting obstructive rules that were an unfair hindrance on everyday small business owners. Clearly this strain of the opposition's argument reflected their populist groundings in action.

The second, and likely the most forcefully asserted, argument against a comprehensive smoking bylaw was the potential of loss of business for local establishments and charities. To be clear, this argument focussed less on the positive aspects of ventilation, and more on the negative effects of an outright ban. To augment their case EFC utilized information provided by like-minded nationally based groups such as the Fair Air Association of Canada (FAAC) which describes itself as "an 'Association of Associations' [which] bring[s] together groups of concerned businesses

⁹¹ Edmontonians for Choice. "Quick facts on smoking bans and designated smoking rooms (DSRs)."

⁹² Ibid.

and individuals.”⁹³ A second major nation-wide group which aided the locally-based EFC was the Canadian Restaurant and Food Association (CRFA); this group went as far as to circulate petitions against the bylaw in Edmonton, and at one point claimed to have gathered over 21 000 signatures protesting the proposed bylaw.⁹⁴ In particular, these pan-Canadian groups provided information, and credibility, to the case of EFC and the anti-bylaw forces in general. Given the business orientation of both the FAAC and the CRFA, it is not surprising that these groups were especially concerned with potential losses to businesses given a complete smoking ban. EFC was all too happy to use information provided by the above groups to augment their case against bylaw 13333.

Case studies from a wide-variety of locations were used to demonstrate the harmful effects on local businesses brought on by a comprehensive ban. The FAAC cited studies arguing that since the implementation of the comprehensive smoking bylaw in Ottawa beer sales have decreased 6 per cent and 60 out of 210 pubs have closed.⁹⁵ The potential for high job losses was illustrated by a BC case study where an earlier attempt at a comprehensive smoking ban had cost the hospitality industry \$8 million and 800 employees were laid off over an 80 day period.⁹⁶ The EFC presented other studies from the same period in BC where close to a thousand employees were laid off - partially as a result of a 15-85 per cent drop in business as reported by individual establishments.⁹⁷ A FAAC spokesman expressed concern about business being permanently lost following

⁹³ Fair Air Association of Canada. “Fair Air Association of Canada.” [faac.ca](http://www.faac.ca/index2.asp)
<http://www.faac.ca/index2.asp> (1 Feb 2006).

⁹⁴ Canadian Restaurant and Foodservices Association. “Edmonton extends smoking deadline to 2005.” [crfa.ca](http://www.crfa.ca). 11 April, 2003. http://www.crfa.ca/issues/2003/edmonton_extends_ban_2005.asp (5 Feb 2006).

⁹⁵ Fair Air Association of Canada. “Health and ventilation - the facts.” [faac.ca](http://www.faac.ca)
<http://www.faac.ca/thefacts.htm> (1 Feb 2006).

⁹⁶ Ibid.

⁹⁷ Edmontonians for Choice. “Quick facts on smoking bans and designated smoking rooms (DSRs).”

the implementation of a smoking bylaw: "you don't see droves of non-smoking customers coming and taking up the slack . . . it's not a short term impact, it's a long term impact"⁹⁸ . . . "banning smoking in bars and pubs won't make people quit smoking, it will just encourage them to stay at home and smoke."⁹⁹ EFC also focussed on the potential effects of a ban on the revenues of charitable organizations who often use smoking venues such as bingo halls, community centres, and casinos to hold fund-generating activities crucial to their financial survival. Within an Ottawa context EFC described how charities lost \$4 million annually, the local Boys and Girls Club had had to subsequently cut \$200 000 worth of programs, because of a 38.7 per cent decrease in charity gaming revenue.¹⁰⁰ Thus, in the view of organizations such as EFC, not only were comprehensive smoking bans examples of elitist meddling, but specific examples demonstrated how such legislation adversely affected local businesses and charities.

Finally, the various anti-bylaw forces questioned the feasibility of a comprehensive ban to augment their above two major points. In particular, potential enforcement problems were cited as EFC reports nebulously described how Ottawa had to "vastly expand its bylaw enforcement team" following the implementation of its new smoking bylaw.¹⁰¹ Early enforcement issues in cities such as Toronto and Vancouver likely also helped to further this point with the implication that police officers may be called away from more pressing matters to deal with a simple smoking violation. Again these arguments employ the classic populist strategies of fear mongering and a heavy anti-bureaucratic bias. Additionally, the FAAC made reference to the example of New

⁹⁸ Hanley, Glenna. "Non-profits fight smoking bylaw: Bingo halls, the casino, non-profits and business lobby council for changes to draft bylaw." *St. Albert Gazette*. 31 January, 2004. 1

⁹⁹ Fair Air Association of Canada. "Health and ventilation - the facts."

¹⁰⁰ Ibid.

¹⁰¹ Edmontonians for Choice. "Quick facts on smoking bans and designated smoking rooms (DSRs)."

York City where the City's smoking bylaw forced smokers to light up outside, but this led to "a lot of gang activity on the streets and unsavory characters hanging about."¹⁰² Clearly the opposition groups were doing their best to equate the new smoking bylaw with any worst-case scenarios presented by other cities.

In addition to the formal opposition groups described above, establishments potentially affected by the new bylaw also actively joined in the resistance to bylaw 13333. More specifically, bars, private clubs, restaurants, bingo halls, and charities all expressed their opposition, in varying forms, to the implementation of the new smoking bylaw. Primarily their concerns were that bylaw 13333 would adversely hamper their businesses to such an extent that several expressed fear that the stricter smoking regulations would force them to close. The sum of all of this was a sizable consensus among the service industry that the smoking bylaw was a policy worthy of active opposition. The extent of resistance and how each group of establishments expressed that resentment will be discussed below.

The opposition of bars and pubs was centred on the potential loss of business because of the bylaw which could lead to increased layoffs and possible closure. Bar owner John Berns feared his downtown lounge would have no choice but to close within a year; he claimed that 85 per cent of his customers smoked and were not likely to come back given the new smoking restrictions.¹⁰³ Many bar owners hold to these positions even months after the implementation of the bylaw. John Laberge claims to have lost \$875 a

¹⁰² Hanley, Glenna. "Non-profits fight smoking bylaw: Bingo halls, the casino, non-profits and business lobby council for changes to draft bylaw." 1.

¹⁰³ Anon. "Bars look at election day buses." Edmonton Sun [Edmonton] 4 October, 2004, Metro ed.: 5.

day since smoking was outlawed in his tavern.¹⁰⁴ Wally Zack, owner of the Borderline Pub, furthers the legitimacy of the anti-bylaw force's concerns by claiming that following the implementation of the bylaw business dropped immediately by 30 to 40 per cent and by as much as 50 per cent when [the weather] got colder.¹⁰⁵ However, not all bar owners were in agreement with the above observations. Kevan Morris, who owns Squires Pub on Whyte Avenue, a part of Edmonton popular with young partygoers, expressed a contrary opinion: "it's been ok . . . less of an impact than I originally thought."¹⁰⁶ Yet, for the most part the reaction of bars, pubs and similar establishments was overwhelmingly in the negative. Many establishments considered the threat to their business to be so severe that several city bars posted anti-bylaw fliers and literature in their establishments. Some Edmonton bars went even further and looked at busing staff and customers to polling stations on civic election day in the hope of mustering a late groundswell of support against the smoking bylaw by voting for, or against, appropriate candidates.¹⁰⁷ On balance, most bars were anything but passive regarding their stance on the smoking bylaw.

Private clubs, like bars, also expressed apprehension at the new bylaw primarily based on the fear of decreased membership and, therefore, business. The example of the halls of the Royal Canadian Legion demonstrates the opposition of many private clubs. Legion Halls are essentially bars operated by the Royal Canadian Legion, a group dedicated to military veterans, with admittance limited to registered members only.

¹⁰⁴ Fair Air Association of Canada. "Smoking ban kills jobs: facts from the front lines." www.faac.ca/content/economic%20impact/Newspaper%20quotes.pdf (1 Feb 2006).

¹⁰⁵ Canadian Broadcasting Corporation. "Bingo halls decry city smoking ban." [cbc.ca](http://www.cbc.ca/edmonton/story/ed-smoking-bingos20060103.html), 3 January 2006. <http://www.cbc.ca/edmonton/story/ed-smoking-bingos20060103.html> (6 Feb 2006).

¹⁰⁶ *Ibid.*

¹⁰⁷ Anon. "Bars look at election day buses."

Membership is typically restricted to current or former military personnel, their immediate relatives, and select guests. Interestingly, Legion Halls have historically enjoyed an exemption during the early twentieth century from many provincial and local laws, particularly regarding alcohol. However, private clubs were not to be exempted by bylaw 13333 for fear that such a caveat would provoke a rash of bars, lounges, and other establishments seeking private club status as a means of circumventing the new bylaw. Mayor Stephen Mandel cited such chicanery as the chief reason why the ban had to be comprehensive: "we considered that [exempting private clubs] . . . but then other places would get around it one way, and others another way . . . finally we just had to say enough and ban it everywhere."¹⁰⁸

Like bars and taverns, private clubs such as the Legion Halls anticipated a major drop in patronage following the smoking ban. Legion Halls were additionally penalized as they were forced to adopt an earlier version of the bylaw which meant that their establishments, along with other private clubs, were designated as non-smoking venues before other public pubs and bars were forced to do so. Indeed, following the implementation of bylaw 13333's first phase an *Edmonton Sun* poll showed the Legion Halls across Edmonton had reported a 30 per cent drop in food and drink sales.¹⁰⁹ Unlike bars, who strongly lobbied against the bylaw, Legion Halls argued for an equal application of the bylaw; Ron Bell, treasurer of the Strathcona Legion was quoted as saying "it's a case of apply it to everybody or you get rid of the law."¹¹⁰ Bell's comments followed the closure of his Legion branch due to a lack of patronage, possibly attributable

¹⁰⁸ Mandel, Stephen. Interview by the author. Edmonton, AB., 30 March 2006.

¹⁰⁹ Fair Air Association of Canada. "Smoking ban kills jobs: facts from the front lines."

¹¹⁰ Kent, Gordon. "Clubs fuming over special ruling: Apply smoking bylaw equally or ditch it, critics say." *Edmonton Journal* [Edmonton] 16 June, 2004, Metro ed.: B3.

to the smoking ban. As a postscript, it is worth mentioning that the Strathcona branch later re-opened albeit in a smaller venue. The example of the Legion is significant in that it demonstrates how opposition groups were divided in their reasons for opposing the bylaw. Furthermore, the case of the Strathcona Legion gives credence to the case of the bylaw critics: business did undeniably suffer to the point that the Legion had to, temporarily, close. Enforcement was also particularly difficult within private clubs as members were less likely to report a violation. Finally, the decision not to exempt private clubs reveals the determination within City Hall to have a truly comprehensive ban notwithstanding any historical or sentimental factors.

City Council's restriction of consumer choices was cited as a major reason for restaurant owners to oppose any form of smoking restrictions. Howe Silvernman, co-owner of Dadeo restaurant on Whyte Avenue employed populist strains in arguing that "the people of Edmonton should decide, not just 13 people on council . . . this is about allowing citizens to keep their freedom and choice . . . people see the smoking sign on our door and decide whether to come in and risk their health."¹¹¹ These comments were, like those emanating from the Legion, made in exasperation towards the second-to-last form of the bylaw which forbid smoking in, among other places, all restaurants.

In particular, restaurant owner Tom Goodchild, owner of several Edmonton restaurants including the fashionable Tom Goodchild's Moose Factory, was especially politically active. In the early weeks before the campaign Goodchild was repeatedly interviewed for various forms of media and made himself a powerful political voice against the bylaw. Goodchild also was prepared to financially contribute to any

¹¹¹ Gerein, Keith. "Smoking bylaw a year old, restaurateur's displeasure still fresh." Edmonton Journal [Edmonton] 11 July, 2004, Metro ed.: A10.

candidates who ran on an anti-bylaw platform and was later cited as being prepared to make a sizable donation to mayoral candidate Robert Noce who was at the time perceived as an opponent of the bylaw. When asked about the size of the potential donation to Noce's campaign Goodchild responded that he was "prepared to pay between one-third and one-half the expenses of Noce's run for the mayor's chair, a race Goodchild estimated will cost between \$250 000 and \$400 000."¹¹² Later vacillations on the merits of the smoking bylaw, a topic discussed in more detail below, likely persuaded Goodchild from contributing to Noce's campaign although the former councillor did muster more financial contributions from restaurants and bars than the two other major mayoral candidates combined. Additionally, Goodchild personally sponsored several advertisements attacking the bylaw and then-Mayor Bill Smith that appeared the day prior to election day in the *Edmonton Sun*. Evidently Goodchild, among other restaurateurs, was determined to be a major player in attempting to block the City's smoking bylaw and is a testament to the strong feelings bylaw 13333 stirred up among many Edmontonians.

A final significant opposing force to the bylaw was the coalition between bingo halls and local charities. The two forces amalgamated given their often symbiotic relationship: charities often operate bingo halls with a proceed from the profits going towards the charity. For many charities, the smoking bylaw issue was seen as a virtual fight for survival as a downfall in business at bingo halls represented a marked decrease in revenue for charities. Like several of the forces mentioned above bingo halls and charities became politically active through advertising. An *Edmonton Journal* article cites

¹¹² Kent. "Clubs fuming over special ruling: Apply smoking bylaw equally or ditch it, critics say."

how the coalition spent over \$12 000 on six billboards that called for changes on City Council.¹¹³ During these campaigns bingo halls were quick to link themselves with charities, presumably to make their case more appealing to Edmontonians: surely it is easier to deny funding to a bingo hall than to the Boys and Girls club or the local Rotary club. Another tactic employed by the bingo/charity coalition was bingo halls' use of an industry circulated publication to develop and proliferate a 'dream team' of candidates who, in the opinion of the bingo hall operators, would support re-visiting bylaw 13333 should they be elected. The 'dream team,' in essence an endorsed slate of candidates, will be discussed below, but suffice it to say that this strategy was developed so that, in theory at least, common bingo players would easily know how best to express their opposition to bylaw 13333 at the ballot box.

Following the full implementation of the smoking bylaw, many bingo halls expressed that their fears had come true: Susan More of Parkway Bingo claimed that "last month's pool, with the cold weather, we lost \$90 000 for that month."¹¹⁴ This decrease in revenue for bingos is likely to quickly translate into equivalent losses for charities who feared that the ban would eventually cost them \$14 million in fundraising losses.¹¹⁵ The same article based its figures on an estimated 30-35 per cent drop in attendance - a figure dubbed as conservative by some due to the fact that it failed to account for any hall closures.¹¹⁶

In summary, the opponents of the bylaw were an eclectic, politically active group.

¹¹³ Kent. "Bingo groups list smoking 'dream team': Candidates would revisit butting-out bylaw." *Edmonton Journal* [Edmonton] 10 September, 2004, Metro ed.: B1.

¹¹⁴ Canadian Broadcasting Corporation. "Bingo halls decry city smoking ban."

¹¹⁵ Mah, Bill. "Smoking bylaw under attack." *Edmonton Journal* [Edmonton] 25 August, 2004, Metro ed.: B1.

¹¹⁶ Ibid.

Their composition stretched across age groups (bars typically associating with younger patrons, and private clubs such as the Legion, with older ones), cities, and interests. Their arguments, which often emphasized freedom of choice from elite-dictated reforms, illuminate their attempts to appeal to the working class Edmontonian (preferably a smoker) and small business owner. Together, along with formal groups such as FAAC and EFC, they formed the backbone of the opposition to the smoking bylaw. Although their attempts at blocking the bylaw were ultimately fruitless, they succeeded in focusing a great deal of attention on the merits and debates surrounding the new smoking bylaw. Indeed, one cannot charge opponents of the bylaw with apathy or inaction as along with the above coalitions, restaurants, bars, private clubs, bingo halls, and charities all did their part in expressing their resistance to the comprehensive smoking ban. Their galvanizing resistance vitalized the political system and ensured a more complete and richer debate regarding the composition of city council and its policy choices.

Given the above coherent policy alternative to the City's smoking ban, namely ventilation as opposed to a comprehensive ban, opposition groups used a variety of tactics to ensure that their message was heard by Edmontonians. In the case of the nationwide groups such as the FAAC, participation was primarily through their Internet website which was regularly updated with information and statistics throughout the campaign. Locally-based groups such as EFC as well as many of the establishments detailed above primarily used three tactics: appearing at Council meetings, undertaking and proliferating surveys, and active advertisement campaigns.

EFC attempted to directly influence the policy process by appearing at City Council meetings to express their viewpoint and concerns regarding the bylaw. Such

appearances also occurred at the committee level in an attempt to head off the bylaw before it reached Council. At such meetings speeches by individual owners of bars, members of private clubs, as well as concerned citizens would be read that encompassed many of the arguments against the bylaw delineated above. Although certainly this was the most direct strategy, Councillor Mandel criticized many of these groups for not appearing in sizable numbers until "the eleventh hour and then expecting the world."¹¹⁷ Opposition to the bylaw could thus be fairly criticized for its lack of organization early in their campaign against the bylaw. One could also label any attempt at lobbying City Council to be a futile effort considering the relatively strong support on council for the bylaw as has been demonstrated. Having failed at the legislative level, EFC and the opposition needed to shift its focus away from city council and towards Edmontonians at large in an attempt to counter the bylaw through turning popular opinion against the bylaw.

EFC, and other organizations, performed and published numerous surveys in an attempt to demonstrate to Edmontonians that the perceived popular support for bylaw 13333 was over-stated. A 2002 survey by the Criterion Research Group cited on the EFC website stated that "over 63 per cent of residents . . . believe that businesses should be left alone to set their own smoking standards."¹¹⁸ A separate survey noted in EFC literature concurred with this initial conclusion as well as with EFC's assertion that the ban was without popular support: "only 16.6 per cent of respondents 'strongly' support bars and lounges to be smoke free; 17.6 per cent 'agree' to support this [new smoking bylaw]."¹¹⁹

¹¹⁷ Mandel, Stephen. Interview by the author. Edmonton, AB., 30 March 2006.

¹¹⁸ Edmontonians for Choice. "Quick facts on smoking bans and designated smoking rooms (DSRs)."

¹¹⁹ Capital Health. Smoking in the Capital Health Region: What Do People Think? (Calgary: Capital Health Regional Public Health Population Health Research, May 2000). 8.

Still another survey seemed to support the idea that a comprehensive smoking ban would lead to a great loss of business: "if smoking were not allowed . . . between 37 and 43 per cent of smokers said they'd avoid [bars and lounges]."¹²⁰ The goal of these surveys was to convince council, electoral candidates, and the public at large of both the lack of support for a new smoking bylaw and the foolhardiness of such a policy. Of course these results contrast greatly with the polls outlined above that appeared to demonstrate a wide level of popular support for the bylaw. This seemingly remarkable difference can be easily attributed to problems typically associated with polling: how a question is asked, who it is asked of, and when the question is asked, to name but a few key variables in determining the true validity of any poll. The point here is not that the polls cited by EFC were particularly invalid, rather the goal is to note how EFC used polls to try to convince Edmontonians that popular support was on their side. In turn, this reveals how EFC saw the public as their key target in the campaign to overturn bylaw 13333 and is further indicative of their populist strategies.

A concerted advertising campaign by anti-bylaw forces, which was accelerated in the weeks leading up to the Edmonton-area elections, again made the public the primary target of opposition groups. These advertisements were found on billboards, newspapers, pamphlets, and on radio broadcasts. Although largely focused in Edmonton, several suburbs were also home to groups who advertised against similar smoking bylaws. A St Albert-based opposition group (it is unclear if it was or was not the above-mentioned St Albertans for Choice) erected a billboard of local Mayor Richard Plain, a supporter of smoking restrictions akin to Edmonton's bylaw 13333, portraying His Worship as a

¹²⁰ Capital Health. Smoking in the Capital Health Region: What Do People Think? 7.

snake in the grass in a reference to Plain's perceived duplicity on the issue. The billboard was widely interpreted in both St. Albert and Edmonton as an attack on Council members and a warning that "they would suffer major political consequences if they imposed the bylaw."¹²¹ Within Edmonton the opposition forces concentrated their attack increasingly to newspaper advertisements as election day drew nearer. On the day prior to election day a full-page advertisement, sponsored by above-mentioned restaurant owner Tom Goodchild, was published in the *Edmonton Sun* that depicted a prison inmate dressed in an old style black and white striped outfit complete with ball and chain - a reference to lack of freedom available to customers in the wake of bylaw 13333. The advertisement summarized many of the main points of opposition groups: "we believe adults have the right to choose . . . smoking will continue to decline and cease to be an issue . . . but in the meantime we have to continue to accommodate the 25 per cent of our population choosing to smoke . . . we only support smoking in adult-only minor prohibited bars, bingo halls, and casinos."¹²² Opposition ads and billboards are significant as they prove the presence of a well-organized, well-funded opposition group willing to spend sizable amounts of money in opposition to bylaw 13333. Furthermore, such advertisements testify to the degree with which the smoking bylaw issue and the 2004 election ran parallel with the election being seen as at least a partial plebiscite on the smoking bylaw. Finally, all of the above demonstrates the determination of opposition groups to appeal to Edmontonians at large, as opposed to the politicians on City Council. Indeed, surely the funds spent on advertisements and billboards might have been productively employed in

¹²¹ Jeffs, Allyson. "Smoking bylaw lights angry fire."

¹²² Tom Goodchild's Moose Factory. "Setting the record straight." *Edmonton Sun* [Edmonton] 16 October, 2004, Metro ed.: 12.

lobbying City Council. However, as seen throughout this chapter, it was the popular base that opposition groups were determined to appeal to.

The opposition's focus on common Edmontonians was further evident in their establishment of a 'dream team' of candidates who, if elected, would re-visit the smoking bylaw. To repeat, the establishment of the 'dream team' was done largely by various Edmonton bingo halls who were concerned about loss of patronage due to the new smoking bylaw. The dream team was an endorsement of a slate of candidates in the 2004 election including some incumbents although also several fringe candidates, with at least one candidate from every ward and a high-profile mayoral candidate.

Table 2-2: Candidates the *Edmonton Bingo News* Consider[ed] Qualified and in Favour of Loosening the July 1 Smoking Ban

Office Sought	Candidate	Incumbent?
Mayor	Robert Noce	No
Ward 1	Karen Leibovici	Yes
Ward 1	Charlene Davis	No
Ward 2	Kim Krushell	No
Ward 3	Ed Gibbons	Yes
Ward 3	Tony Caterina	No
Ward 4	Debbie Yeung	No
Ward 5	Ian Crawford	No
Ward 5	Mike Nickel	No
Ward 6	Shahnawae Ahmad	No

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The goal of the 'dream team' was to provide voters, or perhaps more specifically customers, with a clear guide to who supported the smoking bylaw and who did not. The most important endorsement was of mayoral candidate and former councillor, one term removed, Robert Noce. The inclusion of Noce on the 'dream team' set up a clear choice between the three mayoral candidates: two of which, incumbent Mayor Bill Smith and

¹²³ Kent, Gordon. "Bingo groups list smoking 'dream team': Candidates would revisit butting-out bylaw."

Councillor Stephen Mandel,¹²⁴ were supporters of the bylaw. For his part Noce was somewhat puzzled by the endorsement claiming to know little about the 'dream team', but was nevertheless quoted as saying "I recognize that many Edmontonians have invested hundreds of thousands of dollars into their businesses, and I don't think city council should be dictating every aspect of their life."¹²⁵ At this very early stage of the campaign Noce's rhetoric clearly reflected the populist tinge that coloured much of the opposition's case.

However the endorsements and the 'dream-team' strategy as a whole backfired on the anti-bylaw group even before the first vote was cast. Eight days after the 'dream team' was published in a widely-read publication, the daily *Edmonton Journal*, a number of team members hurriedly distanced themselves from the endorsement. As a result, many Edmontonians correctly questioned the accuracy of the makeup of the dream team. A *Journal* article describes the situation as one where "Noce flip-flopped; Leibovici had voted in favour of the bylaw and won't support any move to revisit it; and Davis claimed the question was 'too hypothetical.'"¹²⁶ Thus it became evident that the builders of the 'dream team' did not perform adequate research into the composition of the group, nor did they accurately gauge the true opinions of several candidates. The result was that the 'dream team' was in large part discredited almost immediately as candidates, particularly Noce, began jumping ship. Clearly, the attempt to present the public with an organized slate of candidates had failed to properly develop. The electoral fortunes of the 'dream team' will be discussed in more detail below, but suffice it to say that fiasco attached to

¹²⁴ Despite his previous opposition to the bylaw, the future Mayor repeatedly stated his support for the bylaw during the course of the campaign.

¹²⁵ Kent. "Bingo groups list smoking 'dream team': Candidates would revisit butting-out bylaw."

¹²⁶ French, Janet and Kent, Gordon. "Bingo lobby says mayoral candidate is still on its 'dream team' despite flip-flop." *Edmonton Journal* [Edmonton] 18 September, 2004, Metro ed.: B3.

the endorsed slate of candidates likely cost the opposition group a sizable amount of credibility with their target audience. Moreover, many voters were likely to be confused as to the status of 'dream team' candidates given the rash of defections once the endorsements were made public. Thus the opposition group ultimately failed in its goal to provide a definitive slate of sympathetic candidates.

A discussion regarding the opponents of the bylaw would not be complete without highlighting the efforts of stringent bylaw opponent and *Edmonton Sun* columnist Kerry Diotte. Diotte is an opinion columnist for the *Edmonton Sun* newspaper, an Edmonton daily tabloid that is notable for its blue-collar target audience and conservative editorial stance. As a veteran columnist with *the Sun* newspaper chain, Diotte had written regarding Edmonton issues for well over a decade. During, and for a stretch prior to, the lead up to the 2004 election he was the *Sun's* designated City Hall columnist, a position now vacant, and his locally-oriented column appeared four times a week. Alone among his fellow media members in his opposition, Diotte proved to be a forceful and consistent voice against the new smoking regulations. From the outset of the debates surrounding the issue Diotte attacked what he saw as an over-indulgent City Council, and did so with a particular penchant towards attacking Mayor Bill Smith; his points were synchronous with the populist anti-elitist rhetoric familiar to opposition arguments. To be sure, his criticism centred on City Council as a whole for passing bylaw 13333, and he actively advocated voting against any candidate who endorsed the smoking bylaw. Diotte even went as far as to label Councillors in support of the new smoking bylaw as 'insane' and as a bunch of 'boneheads': "a new council [is needed] to restore sanity by voting to leave

things as they are right now."¹²⁷ His critique also centred on how the bylaw was being imposed without any discernible public support; to Diotte, this proved the ascendancy of anti-smoking special interest groups who dominated discussions regarding the issue: "it just shows you how the anti-smoking lobbyists manage to denounce anyone who has an alternative view of the Orwellian vision of a mandated smoke-free world."¹²⁸ In essence, Diotte was a journalist who represented the anti-bylaw forces well in the clarity, conception, and consistency of his critiques of the comprehensive smoking ban.

Although admittedly only one opinion columnist, Diotte's significance lay in his determination to make the smoking bylaw an issue of central importance in the 2004 election campaign. Indeed, Diotte was one of very few journalists to encourage Edmontonians to vote with the smoking bylaw in mind as the primary issue in selecting their candidates on election day. As a journalist, and not a member of a lobby group or other equivalent organization Diotte was a credible yet highly visible force, appearing on television and radio against the bylaw without any perceived prejudice or conflict of interest such as being a bar owner or bingo hall operator. Finally, by providing a passionate summary of the case against bylaw 13333, Diotte served as an ideal messenger for anti-bylaw forces in large part due to his public profile as a frequent contributor to a widely-read daily newspaper. The sympathetic editorial slant of the *Sun*, along with its target audience, likely aided his importance in the campaign. Although by no means decisive, Diotte was undeniably a significant factor in expressing and organizing dissent to Edmonton's new smoking bylaw.

¹²⁷ Diotte, Kerry. "Turf these boneheads." *Edmonton Sun* [Edmonton] 16 September, 2004, Metro ed.: 7.

¹²⁸ Diotte, Kerry. "Bylaw burns me up." *Edmonton Sun* [Edmonton] 21 September 2004, Metro ed.: 7.

The opposition's strategies reveal that their focus was largely on influencing lower to middle class Edmontonians to vote against candidates in favour of the smoking bylaw. This conclusion is evident considering that the 'dream team' was developed by and first proliferated at bingo halls which are venues popularly frequented by lower to middle class Edmontonians. The quickness with which opposition groups abandoned any attempts to influence City Councillors prior to the campaign period must also be considered: appeals to popular forces were obviously more indicative of where opposition groups felt their best chance at defeating the bylaw lay. Also, the opposition's target audience was much less likely to recognize the various problems with using opinion polls. When considering the various advertisements of opposition groups, it must be noted that all ads appeared in the blue-collar *Sun*, as opposed to the more white-collar *Journal*. Furthermore, the case of Kerry Diotte, a *Sun* columnist, further reinforces the anti-elitist nature of the opposition's appeals. Contrasted with the more professional and white-collar based support of bylaw proponents, detailed in the next section, the nature of the opposition's target audience becomes clearer.

Part V - Proponent Groups

Whereas the opponents of the smoking bylaw were typically oriented towards the working class or business groups, the proponents were largely health-based organizations, including professional associations and interest groups, who were primarily concerned with the long-term health of citizens. Obviously the medical community was a strong supporter of the bylaw in accordance with their automatic

opposition to tobacco consumption under any circumstance. Smaller health organizations combined with other concerned interests such as labour unions to express their support for the bylaw in their own singular fashion. Interest groups, most notably Action on Smoking and Health (ASH), were of particular importance in opposing coalitions such as EFC and mirrored their tactics of spreading information via polls, the Internet, and advertisements. Outside of the above-mentioned Kerry Diotte, the media was largely on the side of the bylaw proponents although, with one partial exception, this support was more muted than Diotte's forceful opposition. Finally, a small number of establishments that were expected to be detrimentally affected by the bylaw expressed their support for the new smoking restrictions and thereby undercut the image of all service industry businesses being unanimous in their resistance. Moreover, not only were the opposition groups somewhat divided, but proponent groups were much more united in their campaign. All of the above must also be considered within the context of popular support for the bylaw as expressed not only through multiple polls but also through the impressions of two City Councillors, and later in the form of votes for pro-bylaw candidates.

The major proponent of smoking legislation similar to Edmonton's bylaw 13333 was the health community. For the purposes of this paper the focus will be on the more powerful and visible health groups such as Health Canada or Capital Health Authority. To consider the role of health organizations and the medical community in the policy making process it must first be established that they play significant roles in that process. At first blush it may seem somewhat of a stretch to believe that medical professionals and

the scientific community could possibly have any independent effect on the policies which emanate from City Hall. However, academic research demonstrates the utility of such associations to a city council within the context of policy development. Asbridge in his study states that "although policy makers may not directly connect with the scientific community, indirectly their work informs policy makers about issues they need to consider."¹²⁹ The same article describes how this is particularly the case with restrictive tobacco legislation undertaken at the local level: "with the exception of time, the policy inputs most strongly related to municipal smoking bylaw enactment are the print media and health advocacy."¹³⁰ Thus it would seem that medical professionals can and do play important roles in policy processes, but what these roles are remains unclear. Asbridge tells us that "academia and science are two important non-governmental actors . . . their role is to act as legitimate experts whose research and knowledge is able to verify a particular policy position."¹³¹ Thus medical groups are perceived as independent bodies who perform research and develop conclusions outside of the influence of governments or other interested groups. Moreover, as institutions where research actually takes place, many of these health organizations carry with them a great deal of public respect and prestige. Finally, these organizations tend to be more elitist and exclusive given the high level of education associated with membership and the tendency to first publish their findings in peer-reviewed academic journals rather than in publicity pamphlets. This is not to say that the public and medical professionals are guaranteed to disagree, indeed it will be demonstrated here that the two groups can be in complete agreement. Rather, the

¹²⁹ Asbridge. "Public place restrictions on smoking in Canada: assessing the role of the state, media, science and public health advocacy." 21.

¹³⁰ Ibid.

¹³¹ Ibid. 15.

point is that health organizations and communities are elite professional organizations that are not typically open to accepting non-elite members.

Within the context of the Edmonton bylaw, the medical community performed five roles that influenced the policy process in various forms: delineation of financial costs to businesses and the City given the absence of a smoking bylaw, a reiteration of the health risks associated with smoking and second hand smoke, a scientific evaluation of ventilation as a solution to second hand smoke, an attack on research performed or sponsored by the tobacco industry, and a threat to boycott any city without a comprehensive smoking bylaw.

Health organizations quickly moved to quell any fears regarding financial losses stemming from the new smoking bylaw by outlining the financial burdens attached to businesses which permit smoking. More specifically, health groups totaled the costs to the health care system attributable to smoking and smoking related illnesses, lost productivity due to smoking and smoking related illnesses, and damages caused by smoking related accidents. The result was outlined in a Capital Health report which stated that "tobacco costs Albertans \$728 million each year in health care costs, lost productivity and income, and property damage due to fires."¹³² The medical community thus presented the lack of a comprehensive smoking bylaw as an economic drain on the service industry by arguing that comprehensive bans result in less absenteeism, greater productivity, and less property damage to establishments. This creative line of reasoning clearly demonstrated the potential economic gains to businesses given the new smoking bylaw while coincidentally directly attacking a major pillar of the opposition's position.

¹³² Capital Health. Smoking in the Capital Health Region: What Do People Think? 6.

Moreover, by pointing out how smoking was a financial burden on the publicly-funded health care system, Capital Health clearly appealed to taxpayers regardless of whether they had strong opinions regarding the bylaw or not. This last point, although certainly a popular appeal, was expressed by a professional, white-collar organization and through a narrowly-circulated industry publication.

Health organizations next moved to the more familiar territory of attacking tobacco consumption because of its detrimental health effects. Obviously the literature surrounding the adverse effects on smoking and other tobacco use is as voluminous as it is well known. Suffice it then to briefly summarize the medical community's case within an Edmonton context. In a report on tobacco use in Edmonton, Capital Health cited an American study by the United States Department of Health and Human Services as well as a Canadian Cancer Board study which stated that environmental tobacco smoke (ETS or second-hand smoke) "increased the risk of heart disease . . . asthma and bronchitis [especially] in children . . . and is a significant cause of lung cancer in non-smokers and [is] classified as a known carcinogen."¹³³ On the whole, Health Canada estimates that at least one thousand Canadians die annually from second-hand smoke related causes.¹³⁴ Thus the health community presented the time-worn, unsurprising, conclusion that smoking and smoking byproducts were harmful to human health. The significance here is that any such arguments would have been noticeably conspicuous in their absence. Again, the scientific studies demonstrating the harmful effects of smoking serve as another case of professional-based and circulated research being used to appeal to a popular base.

¹³³ Capital Health. *Smoking in the Capital Health Region: What Do People Think?* 4.

¹³⁴ Action on Smoking and Health. "News release." *ash.ca*. 9 January 2006.
<http://www.ash.ca/news/press-pdf/Release2006Jan9.pdf> (6 Feb 2006).

Thirdly, health organizations attacked the ventilation solution as being insufficient to meet the stated policy goal of significantly reducing wide-spread exposure to second-hand smoke. The general feeling among health professionals was that ventilation represented a costly, yet ineffective, means of removing environmental tobacco smoke from workplaces. A Capital Health study made the claim that "using current indoor air quality standards, ventilation rates would have to be increased more than a thousand fold in order to reduce cancer and other risks associated with second-hand smoke to a level considered acceptable to regulatory agencies."¹³⁵ This conclusion certainly ran counter to the enthusiasm with which groups opposed to the bylaw treated the same solution. Worries were also expressed that the prohibitive costs of implementing ventilation as opposed to a smoking ban would result in lower wages for workers and would fail to significantly decrease their exposure to second hand smoke at any rate. Indeed, the medical profession's final standpoint on ventilation can be summarized below: "smoking bans remain the only viable way to protect workers and patrons of the hospitality industry from exposure to the toxic wastes from tobacco consumption."¹³⁶ Thus the medical community agreed with the overarching goal of reducing exposure to second hand smoke, but emphatically rejected ventilation as a legitimate policy alternative for achieving that goal. The dismissal of ventilation by medical authorities was a further example of professional resources being used to support a distinct policy alternative, albeit one that has been proven to enjoy significant popular support.

Predictably, opponents of the smoking bylaw simply supplied their own scientific studies demonstrating that ventilation was indeed a workable solution; in response, and

¹³⁵ Capital Health. *Facts about Smoking-bans in Restaurants*. (Calgary: Capital Health, October 2000). 1.

¹³⁶ *Ibid.*

rather than engaging in an endless tit-for-tat cycle, the medical community shifted its focus towards criticizing opposition research as being tainted due to its sponsorship by tobacco-based interests. As discussed above many studies performed or sponsored by the tobacco industry were criticized for poor research design, questionable methodologies, and overly-liberal interpretations of the facts; these arguments effectively discredited many studies that had contrary findings. Additionally, the credibility of the tobacco industry itself, not simply its science, was also attacked. Drope and Glantz's study on institutional responses to smoking bylaws describes the tobacco industry as having "a well established practice of staying in the shadows and working through front groups because of its lack of credibility."¹³⁷ Clearly, medical organizations used their greater credibility to expose the flaws in many contrary studies.

Finally, several major medical organizations threatened to boycott cities that did not have a comprehensive smoking bylaw in effect. To clarify, the term boycott was used to indicate that professional medical associations would refuse to hold their annual meetings or conferences in municipalities that lack a comprehensive smoking bylaw. This decision was undertaken by the Canadian Medical Association (CMA) with the goal of "turn[ing] the financial-loss arguments of smoking-ban opponents on their head by proving that business can also be lost if municipalities fail to act."¹³⁸ The CMA decision was taken following similar resolutions by the Canadian Pediatric Society and the Canadian Public Health Association.¹³⁹ Although likely the most insignificant of the strategies delineated above, the medical community's threat represents an inventive

¹³⁷ Drope, J. and Glantz, S. "British Columbia capital regional district 100% smokefree bylaw: a successful public health campaign despite industry opposition." *Tobacco Control*. 12 (2003): 266.

¹³⁸ Anon. "Butt out or loose our business, CMA tell cities." 1189.

¹³⁹ Ibid.

attempt to convince cities of the positive benefits of smoking bylaws while coincidentally serving notice of the potential economic losses that would stem from ignoring their concerns.

As was the case with bylaw opponents, various interest groups arose to express their support for bylaw 13333. Initially, a number of miscellaneous groups, including more minor medical associations and labour unions, banded together with the intent of promoting their common support for the smoking bylaw. An *Edmonton Sun* article estimated that over fourteen such groups had collectively argued that "Albertans must demand provincial anti-smoking legislation similar to rules that will soon protect Canadians in five other provinces and territories."¹⁴⁰ More specifically, the Alberta Union of Provincial Employees - a union representing Albertans working for the provincial government, educational facilities, boards and agencies, regional health authorities, municipalities and private companies - expressed their support for the bylaw through boss Dan MacLennan who refuted charges of elitist tampering by arguing that "if it wasn't social engineering to bring in seat-belt legislation, it's not social engineering to bring in tobacco legislation."¹⁴¹ A coalition known as Vote For Health formed in response, and as a counter to, the emergence of EFC. Through its website, voteforhealth.com, the group developed its own 'dream team' of bylaw supporters although it was less a slate of candidates than it was a list of candidates' positions on the bylaw. Vote For Health was also an active advertiser in the days immediately prior to election day with newspaper advertisements and pamphlets featuring slogans such as "Edmonton's smoking bylaw is

¹⁴⁰ Sands, Andrea. "Smoke attack: coalition of health groups urges Albertans to demand clean air in the workplace." *Edmonton Sun* [Edmonton] 5 October, 2004, Metro ed.: 4.

¹⁴¹ Ibid.

at risk . . . vote with your lungs on October 18!"¹⁴² Thus coalitions and groups such as Vote for Health worked as direct and effective counters to opposition interest groups through similar tactics such as websites and advertisements. It is difficult to argue that groups such as the AUPE or Vote for Health were white-collar organizations akin to the Capital Health Authority, and their means of participation, which were similar to those employed by many populist-based opposition groups, are noteworthy in that respect. In that sense, the role and actions of minor proponent interest groups are the exception to the rule of white-collar appeals by smoking bylaw proponents. Although the information they presented was researched and published by professional organizations, it clearly was used to appeal for popular support in a counter to the efforts of groups such as EFC. Again, there is no grand scheme of class conflict at play here, rather it is an example of professional, white-collar organizations supplying information to popularly supported interest groups.

By far the most vocal interest group in support of the bylaw was Action on Smoking and Health (ASH). ASH described itself as an anti-smoking group of approximately 300 members with the stated goal of advocating for the creation of more smoke-free indoor spaces, the reduction of youth access to tobacco products, curbs on tobacco advertising and promotion, and increased public awareness of tobacco industry tactics.¹⁴³ Within the context of this chapter, ASH performed many functions towards the realization of their goals. They took out advertisements, established and operated a website ([ash.ca](http://www.ash.ca)), distributed research and information, and performed and published surveys. Paramount among ASH's views was a steadfast commitment to a comprehensive

¹⁴² Vote for Health. "Edmonton's smoking bylaw is at risk . . . vote with your lungs." *Edmonton Sun* [Edmonton] 13 October, 2004, Metro ed.: 12.

¹⁴³ Action on Smoking and Health. "About us." [ash.ca](http://www.ash.ca/about.htm). <http://www.ash.ca/about.htm> (6 Feb 2006).

smoking ban to the exclusion of all other solutions, especially ventilation, to the problem of second-hand smoke exposure. Indeed, ventilation as an alternative to an outright smoking ban was particularly unappealing to ASH: "testing revealed a twenty-fold improvement in Edmonton's indoor air quality after the smoking ban took effect . . . Calgary's indoor air was thirty times more polluted than Edmonton's."¹⁴⁴ The leader of ASH, Les Hagen, was particularly vocal in his opposition to any solution other than a total ban on smoking. Hagen publicly criticized ventilation as "only removing the smell of smoke and leaving behind the hundreds of chemicals from cigarettes . . . it gives occupants a false sense of security that they are protected when they are not."¹⁴⁵ Moreover, Hagen criticized bylaw opponents' reports for failing to consider the full situation and slanting facts to their benefit.¹⁴⁶ In many respects, Hagen and ASH's arguments mirrored, or at least drew from, those of the health community. Hagen and ASH served as a constant disruption to the bylaw opposition forces, and Hagen himself was especially public about his position on the smoking bylaw through media interviews in both print and on radio and television. Moreover, during interviews both Mayor Stephen Mandel¹⁴⁷ and Councillor Michael Phair¹⁴⁸ cited the influence of ASH's efforts within City Hall as a key factor in the development of Edmonton's smoking bylaw. Thus ASH, in its determination to influence both the public and the policy process, undertook a mixed approach of influencing first professional decision makers and then common citizens to obtain their goal of increased anti-smoking legislation. While it would be

¹⁴⁴ Action on Smoking and Health. "News release."

¹⁴⁵ Hanley, Glenna. "Non-profits fight smoking bylaw: Bingo halls, the casino, non-profits and business lobby council for changes to draft bylaw." 1.

¹⁴⁶ Ibid.

¹⁴⁷ Mandel, Stephen. Interview by the author. Edmonton, AB., 30 March 2006.

¹⁴⁸ Phair, Michael. Correspondence with the author. Edmonton, AB., 4 April 2006.

incorrect to exclusively classify ASH as being either a professional white-collar or popular oriented group, clearly their prolonged attempts to directly influence councillors sets them apart.

By either ignoring the issue of the smoking bylaw, or, less frequently, editorials in favour of it, the Edmonton media expressed their support for bylaw 13333. Theoretically, media are intended to be the filter through which ordinary citizens gain specific knowledge regarding the political process among other items. In addition, and more specifically to this case, Asbridge's study tells us that media are able to draw attention to public health issues that may go unrecognized or unacknowledged by policy makers and to provide necessary support for policy action.¹⁴⁹ Thus the media are significant in their actions and their ability to influence and set policy agendas. What this means is that through what they report, what they do not report, as well as opinion columns, the media can have a significant influence on city politics. As intimated above the Edmonton media largely expressed their support for the bylaw by deliberately failing to make it an issue. Outside of Diotte's *Sun* column there were few direct editorials on the matter, either for or against. Many other opinion columnists mentioned the bylaw issue only in passing, and often with an air of acceptance and anticipation. A partial exception to this conclusion, and a direct, although less frequent, counterbalance to Diotte's frequent and forceful opposition, was *Journal* columnist Scott McKeen. In contrast to Diotte, McKeen's regular columns had a far greater range of topics beyond the smoking bylaw, and the controversial issue was often discussed only sparingly. McKeen's basic argument was "not only has the battle been fought it's been won . . . candidates, especially those on

¹⁴⁹ Asbridge. "Public place restrictions on smoking in Canada: assessing the role of the state, media, science and public health advocacy." 21.

the bingo players' 'dream team' should remember that four out of five voters do not smoke."¹⁵⁰ The *Journal* columnist also heavily criticized the composition of the 'dream team' claiming that the developers of the list did not properly do their research as evidenced by the misrepresentation of Councillor Leibovici as a bylaw opponent. Finally, McKeen also sarcastically referred to the 'dream team' as the 'kiss of death team' presumably referencing, and foreshadowing, those candidates' small chances of winning.¹⁵¹ Within the context of the above juxtaposition between populist bylaw opponents and more white-collar, professional bylaw proponents, McKeen's views clearly represented those of the latter group. The above conjecture is hardly to be unexpected given the more white-collar bias of the *Journal* compared to the *Sun*. Moreover, it was McKeen's views that were eventually proven to be more in step with those of Edmonton voters on election day. Hence, by brushing off the smoking issue as insignificant, either through silence or via opinion columns claiming the battle had already been fought and won, the Edmonton media acted as a supporting influence on bylaw 13333.

Although the majority of their colleagues were against the bylaw, several hospitality establishments and charities expressed their support for the bylaw; the resulting ambiguity regarding the unanimity of the anti-bylaw forces' opposition certainly damaged their credibility. Many restaurateurs actually embraced the new bylaw as, in their view, it created a level playing field with pubs and taverns where under previous smoking regulations customers could still legally light up. Others expressed hope that the new bylaw would actually increase their business. Mark Havins, an operator of three

¹⁵⁰ McKeen, Scott. "Smoking bylaw likely won't be revisited, despite bingo lobby's ardent wishes." *Edmonton Journal* [Edmonton] 13 September, 2004, Metro ed.: B1.

¹⁵¹ Ibid.

Edmonton Tim Horton's donut shops, noted that with the new smoking regulations "people went from buying a coffee and sitting for an hour, to buying a coffee and food to go with it."¹⁵² There is also some academic research to back up Havins' observation. A study at Cornell University cited in a Capital Health report shows that non-smokers dine out more and spend two-and-a-half times as much in restaurants as smokers do.¹⁵³

Although bars remained steadfast in the unanimous opposition, several charities did not consider the smoking ban to be the kiss of death EFC and others made it out to be. David Black, President of the Rotary Club of Edmonton, detailed how Rotary had long ceased employing bingos as a means of gathering revenue: "we haven't used them for years . . . the attendance was down, the money was down . . . it was time to find new means [of raising money]."¹⁵⁴ Black's commentary hints at a common criticism of bingo halls' opposition: bingo, as a leisure or gambling activity, is dying out and being replaced by newer diversions such as video lottery terminals and poker. Dissent by certain restaurants and charities undermined the opposition's claims that all service industry establishments were united against the bylaw. This clearly gave credence to the bylaw proponents and was reflective of the pro-bylaw sentiments of public opinion.

Finally, with election day drawing nearer, public support swelled in support of the new smoking legislation as the debate surrounding bylaw 13333 grew in importance. Public opinion polls, although admittedly problematic, remain the best way to gauge the increase in popular support for the new bylaw. A Banister Research poll published in the *Journal* over three weeks prior to election day revealed the level of support among

¹⁵² Capital Health. Facts about Smoking-bans in Restaurants. 2.

¹⁵³ Ibid. 1.

¹⁵⁴ Black, David. Interview by the author. Edmonton, AB., 30 March 2006.

Edmontonians for the smoking bylaw had increased to 70 per cent with only 15 per cent of those polled being strongly opposed to the bylaw.¹⁵⁵ This trend continued and grew as the vote grew closer. A joint *Edmonton Sun* CFRN-TV poll published two weeks prior to election day showed that 81 per cent of respondents supported the bylaw with 53 per cent 'fully' supporting it and only 19 per cent opposing; a further 52 per cent said that a mayoral candidate's position on the bylaw would influence whether they would or would not vote for that candidate.¹⁵⁶ These polls presented strong evidence of the increasing popularity of bylaw 13333 with the Edmonton public.

Although the proponents of bylaw 13333 were primarily white-collar in their origin and targets, their case was clearly augmented by popular support which was sustained by various interest groups and the united front presented by bylaw proponents. To be clear, bylaw 13333 was not a reform developed and supported solely by affluent white-collar Edmontonians. Rather, the point being made here is that the bylaw proponents tended to be from a more affluent white-collar stratification than their opponents, but even this classification is somewhat tempered by the appearance of widespread popular support for the new smoking bylaw. As a result of their demographic composition, bylaw proponents relied largely on scientific research performed and disseminated by research institutions with the dual targets of City Councillors first, and the Edmonton public second. This public support, first evidenced through opinion polls, became clear when the votes were tabulated on election day. While organizations that were professional and white-collar may have designed and promoted the new policy, it

¹⁵⁵ McKeen, Scott. "Demand civic candidates stand by smoking bylaw." *Edmonton Journal* [Edmonton] 29 September, 2004, Metro ed.: B1.

¹⁵⁶ Beazley, Doug. "Noce's lead up in smoke." *Edmonton Sun* [Edmonton] 3 October, 2004, Metro ed.: 3.

was only in response to, and with the help of widespread popular support by Edmontonians. Finally, a detailed discussion on the explicit strategies employed by supporters of the new smoking bylaw has been omitted in large part because they relied on the same methods employed by their opponents: polling, surveys, lobbying council, and advertisements. These similarities might lead one to conclude that, like opposition groups, proponents were also attempting to primarily influence the Edmonton public. Although certainly not without a sizable degree of truth, such a conclusion overlooks the more professional orientation of bylaw supporters (as demonstrated through the organizations in support of the bylaw) which encouraged more extensive efforts to directly influence City Council. Although certainly not without a great deal of popular support, in many ways bylaw 13333 was determined by professional white-collar organizations and institutions.

Part VI - Effect on Civic Election 2004

At the start, the 2004 Edmonton mayoral election was widely expected to be a two horse race between three-time incumbent Bill Smith and sitting Councillor Robert Noce. Over the course of the campaign a third underdog mayoral candidate emerged in former ward one Councillor Stephen Mandel. Although likely not the decisive factor in the election, the candidates' respective stances on the new smoking bylaw served to differentiate them from each other in the eyes of Edmonton voters. Council races, typically less intense and undertaken and scrutinized with less fanfare, were not as heavily influenced by the smoking bylaw issue as the near invincibility of incumbents

combined with the primacy of ward-based issues tended to take centre stage.

Nonetheless, for mayoral candidates the smoking bylaw became a source of much debate and was an initial point of contention among the main contenders. The election also afforded Edmontonians an opportunity to demonstrate their support or opposition to the new bylaw, or even to indirectly indicate the level of importance that they attached to the smoking issue.

As proven through his rhetoric and advertisements incumbent Mayor Bill Smith was clearly keen to portray himself as the defender of the smoking bylaw. As early as four months prior to election day Smith made public his sentiments on the bylaw despite early mounting opposition: "my own personal opinion is, relax . . . don't worry about it . . . on July 1, 2005 the bylaw kicks into force for everybody, and that includes bars."¹⁵⁷

Smith also revealed the importance with which he considered the issue during his conduct at forums where he repeatedly attacked Noce and Mandel for their perceived ambiguity on the issue. On September 11, 2004 he questioned Mandel's record as a councillor regarding the bylaw: "in April 2003, Councillor Mandel supported amendments that would have delayed enforcement of parts of the bylaw until 2008 . . . fortunately these amendments were defeated . . . based on his soft support in the past it's important [for him] to say where he stands today."¹⁵⁸ Even when he was under attack by groups such as EFC and the bingo hall coalition the Mayor remained unshakably set in his support for the bylaw: "bingo workers, volunteers, and people in the food service

¹⁵⁷ Kent, Gordon. "Clubs fuming over special ruling: Apply smoking bylaw equally or ditch it, critics say."

¹⁵⁸ Gerein, Keith. "Smith rebukes Noce, Mandel for stalling on smoking bylaw." Edmonton Journal [Edmonton] 11 September, 2004, Metro ed.: B7.

industry deserve a healthy work environment.”¹⁵⁹ Indeed, at seemingly every and any opportunity Mayor Smith offered his comment on the smoking bylaw. Easily the most obvious example of the importance that Smith placed on the smoking issue was his newspaper advertisements which encouraged voters to “vote Mayor Bill Smith - champion of the smoking bylaw.”¹⁶⁰ Clearly the incumbent mayor attempted to shape the 2004 race into a one-issue contest where he could not be challenged given his unblemished support for the bylaw. Also, the bylaw was obviously a way for Smith to discern himself from his opponents, both of whom had mixed records of support regarding the bylaw.

For his part Mandel was relatively quiet on the smoking bylaw issue. In large part this silence was likely due to his relative anonymity compared to the front-running duo of Noce and Smith as demonstrated by the significantly lower level of media coverage afforded to his campaign. From the early part of this chapter, Mandel was one of the four ‘soft’ opponents of the bylaw casting five votes ‘against’ the bylaw and only one ‘for’ it. Mandel only voted for the bylaw in its final form, and cast numerous votes that would have either altered or delayed the implementation of the bylaw until a later date. Yet come campaign time Mandel was solidly in favour of the bylaw. At an electoral forum he told the crowd that “the decision has been made by council . . . [I] want to stand by that decision and move forward.”¹⁶¹ Kerry Diotte later described Mandel’s position on the bylaw as it “being a done deal [and] . . . [Mandel was not] keen to listen to alternate

¹⁵⁹ Gerein. “Smith rebukes Noce, Mandel for stalling on smoking bylaw.”

¹⁶⁰ Smith, Bill. “Champion of the smoking bylaw.” *Edmonton Sun* [Edmonton] 17 October, 2004, Metro ed.: 3.

¹⁶¹ Diotte, Kerry. “Noce steals the show.” *Edmonton Sun* [Edmonton] 12 September, 2004, Metro ed.: 7.

viewpoints."¹⁶² This represented something of a surprise given the former ward one Councillor's prior opposition. However, it is likely that Mandel realized the direction and magnitude of public opinion and wisely shifted his position accordingly. Like Bill Smith, Mandel was clearly a candidate solidly in favour of Edmonton's new smoking bylaw throughout his campaign.

Although former Councillor Robert Noce entered the 2004 election as the favourite to steal the mayor's chair from Bill Smith, come election night it was a head-shaking, frustrated Noce being interviewed on television about where his campaign went wrong. Inevitably the discussion surrounding Noce's failures centred around his stance on the smoking bylaw. Months before the formal campaign began Noce appeared at forums and gave interviews expressing his strong opposition to the new smoking bylaw. Indeed, *Edmonton Journal* columnist Paula Simons distinctly recalled seeing Noce in attendance at a fundraiser for EFC.¹⁶³ During the month prior to election day Noce did not waver from his anti-bylaw stance; at an election forum he received loud applause by saying that he'd be open to finding 'some common ground' on the bylaw.¹⁶⁴ Yet very quickly the front-running mayoral challenger began to change his opinion on the matter. This was first evident a week after the above mentioned forum when Noce attempted to deflect attention from his position on the bylaw by saying that "this campaign is about more than smoking . . . this is just the mayor's attempt to divert attention from his failures."¹⁶⁵ Noce further clouded his position with long drawn-out statements that attempted to soften his previously hard stance on the bylaw: "I was trying to say that I'd

¹⁶² Diotte, Kerry. "Bylaw burns me up."

¹⁶³ Simons, Paula. "Noce wants it both ways on smoking: Candidate opposes law, but won't act on it." *Edmonton Journal* [Edmonton] 18 September, 2004, Metro ed.: B1.

¹⁶⁴ Diotte, Kerry. "Noce steals the show."

¹⁶⁵ Simons. "Noce wants it both ways on smoking: Candidate opposes law, but won't act on it."

be happy to sit down with any non-profit groups worried about losing bingo and casino revenue to see if the City could assist in alternative fundraising 'ideas.'"¹⁶⁶ In the public and media's view this meant a complete flip-flop on the issue by Noce. A disgusted Kerry Diotte, who had previously expressed enthusiasm regarding Noce's candidacy, dubbed him "a weasel on the whole smoking issue."¹⁶⁷ Noce responded to such criticisms by saying that his previous statements regarding his position on the bylaw were taken out of context and his perceived support for the bylaw had been exaggerated: "I have been misunderstood" pleaded Noce.¹⁶⁸

Noce's vacillations on the smoking bylaw clearly cost him valuable votes as the pre-campaign favourite was defeated handily and finished a distant third in the mayor's race, over sixteen thousand votes behind the second place finisher. Most media agreed that it was Noce's perceived flip-flop on the smoking bylaw issue that cost him countless votes. *Edmonton Sun* columnist Graham Hicks dubbed his campaign "insincere" and his performance on the smoking bylaw "a complete self-destruction."¹⁶⁹ Diotte accused Noce of duplicity in saying that "he'd led the hospitality industry people to believe he would sit down with them to discuss a possible compromise on the bylaw . . . [in response] the hospitality people were furious at what they perceived to be a betrayal."¹⁷⁰ The consensus of the media was that Noce's ever-changing position on the smoking bylaw was a costly mistake which was born out by his poor returns at the polls. One could easily attribute Noce's change of heart to a belated reading of public opinion which was increasingly in

¹⁶⁶ Hicks, Graham. "Hicks on six." *Edmonton Sun* [Edmonton] 17 September, 2004, Metro ed.: 6.

¹⁶⁷ Diotte, Kerry. "Bylaw burns me up."

¹⁶⁸ Sands, David. "Noce not the name." *Edmonton Sun* [Edmonton] 19 October, 2004, Metro ed.: 5.

¹⁶⁹ Hicks, Graham. "Hicks on six." *Edmonton Sun* [Edmonton] 19 October, 2004, Metro ed.: 6.

¹⁷⁰ Diotte, Kerry. "Everyone counted us out." *Edmonton Sun* [Edmonton] 19 October, 2004, Metro ed.:

favour of the bylaw. However citizens were clearly not willing to invest votes in a candidate whose stance on the bylaw lacked clarity. Hence, his ambiguous position left bylaw opponents with only fringe candidates to vote for in the mayor's race. Given this choice, it is possible that many bylaw opponents cast ballots based on other personal attributes or campaign issues. However, Noce's ambiguous stance on the smoking bylaw clouded the extent to which Edmontonians expressed their support for the new bylaw.

The 2004 mayoral election was won by upset challenger Stephen Mandel. Most pundits attributed his victory to a city-wide weariness with the three-time Mayor Bill Smith, who was attempting to become Edmonton's first ever four-time mayor, combined with the fresh appeal of Mandel and the disaster that befell Noce. Given the experience of Noce it is clear that Edmontonians appreciated Mandel's solid, consistent support of the bylaw during the campaign and acted accordingly. Mandel's victory was thus partially built on the collective backs of the smoking bylaw, Noce's failures, and a desire for a new face in the mayor's chair given Smith's extended tenure.

A similar pattern of defeat for bylaw opponents was born out in the results of the City Council races. Only four out of the ten members of the bingo halls' 'dream team' were successful: Karen Leibovici, Kim Krushell, Ed Gibbons, and Mike Nickel. Of the four Leibovici, an incumbent, was always quick to distance herself from the smoking-based endorsement and many questioned why she was on the 'dream team' at all. Gibbons, also an incumbent, enjoyed the typical advantages associated with incumbency over his rivals, and Mike Nickel enjoyed a lesser advantage due to an opening in ward five combined with his sizable name recognition as a former mayoral candidate as recently as 2001. Krushell's victory is attributable to an opening in ward two, and a track

record and contacts gained while working as Councillor Langley's administrative assistant, combined with her image as a fresh, youthful voice. Simply put, the victories of the few successful 'dream team' members can easily be attributable to a variety of factors outside of their positions on the smoking bylaw. Indeed, it is telling that having served as Councillors for over a year, none of the former 'dream team' members has raised the smoking bylaw issue in council meetings. Moreover, none of the three City Councillors who acquiesced to interview requests for this chapter foresaw the smoking bylaw issue being raised before City Council in the near future.

More generally, most candidates, both for Mayor and Council, were in favour of the bylaw. An *Edmonton Sun* poll of candidates taken several weeks before election day revealed that only six candidates, who were unidentified, supported tinkering with the smoking bylaw.¹⁷¹ The *Journal* echoed these finding with its own survey, performed at the same time, which indicated that "nearly two-thirds of the candidates running for city council say they would not support any changes to the smoking bylaw."¹⁷² The same survey identified only six 'hard-core' opponents of the smoking bylaw: Mayoral candidates Dave Dowling and Jean-Paul Noujaim along with Council candidates Kerry Hutton, Don Koziak, Dale Wayne Ferris, and Paul Welke.¹⁷³ None of these candidates were elected or even won enough votes to retain their electoral deposit. Evidently public opinion was too greatly in favour of the bylaw to allow only but the most seasoned politicians to successfully run on a platform built partially on an anti-bylaw stance. As

¹⁷¹ Anon. "Anti-smokers say most city candidates back the bylaw." *Edmonton Sun* [Edmonton] 25 September, 2004, Metro ed.: 14.

¹⁷² Gerein, Keith. "Most candidates support no-smoking bylaw." *Edmonton Journal* [Edmonton] 25 September, 2004, Metro ed.: B4.

¹⁷³ Ibid.

argued above, even in those cases where bylaw opponents were successful, other factors likely contributed to their election.

Part VII - The Post Election Period

As is the case with any policy, enforcement is essential for the realization of the intended result. In this case, the text of bylaw 13333 delegates enforcement not to City police, but to municipal enforcement officers.¹⁷⁴ The responsibilities of bylaw officers encompass the enforcement of a wide range of bylaws including, although not limited to, traffic control, animal control, business licensing and weed control.¹⁷⁵ Bylaw officers also tend to be reactive, responding to citizen complaints rather than actively seeking out violations. Thus the City indirectly relies on its citizens and popular support for the bylaw to ensure that it is properly enforced which can present a clear acknowledgment of the popular support behind bylaw 13333. Furthermore, in contrast to the roughly 900 police officers there are only nineteen municipal enforcement officers in Edmonton who evaluate complaints through direct on-sight inspections and enforce violations through issuing tickets, summons, or subpoenas. Earlier smoking regulations produced few serious enforcement problems with only sixteen tickets being written to nine different businesses, although there were an additional 107 written warnings.¹⁷⁶ Almost a year after the implementation of the bylaw, there have been few public cases of enforcement problems.

¹⁷⁴ City of Edmonton "Smoking Rules and Regulations."

¹⁷⁵ Province of Alberta. "Alberta Occupational Profile." www.alis.gov.ab.ca/occinfo/Content/RequestAction.asp?aspAction=GetHTMLProfile&format=html&OCCPRO_ID=71003113 (April 1, 2006).

¹⁷⁶ Gerein, Keith. "Smoking bylaw a year old, restaurant's displeasure still fresh."

Although at first fiercely resisted by many, the smoking bylaw seems to have been accepted as demonstrated by the lack of complaints regarding non-compliance by city businesses and challenges presented before City Hall. This acceptance is confirmed by a variety of sources. Bars and bingo halls have all adapted to the bylaw, chiefly by removing ash trays from their establishments and informing customers who do light up to butt out. Mayor Mandel said that other than a few bar-owning friends who have expressed resentment, there has been "not a whisper" before City Council regarding the smoking bylaw.¹⁷⁷ Likewise, Councillor Michael Phair expressed that following an adjustment period, enforcement and acceptance of the bylaw were not especially problematic propositions.¹⁷⁸ Les Hagen, unsurprisingly enthusiastic about a fully implemented bylaw 13333, describes how ASH is "delighted with the overall response to, and acceptance of, the smoking bylaw by the public, the media, and local businesses . . . we believe that the implementation of the bylaw has been relatively smooth to date."¹⁷⁹ Although anecdotal, these examples strongly hint at the general acceptance and success of bylaw 13333. Even long-time opponent Kerry Diotte seems resigned to the bylaw's permanency: "it's here to stay . . . I don't see it being overturned."¹⁸⁰ Thus whereas the development and early stages of bylaw 13333 were remarkable for their controversy and activism, it appears as though the present and future of Edmonton's smoking bylaw will be much less volatile.

¹⁷⁷ Mandel, Stephen. Interview by the author. Edmonton, AB., 30 March 2006.

¹⁷⁸ Phair, Michael. Correspondence with the author. Edmonton, AB., 4 April 2006.

¹⁷⁹ Hagen, Les. Correspondence with the author. Edmonton, AB., 1 April 2006.

¹⁸⁰ Diotte, Kerry. Interview with the author. Edmonton, AB., October 2005.

Conclusion

From the above it is clear the Edmonton's smoking bylaw was the culmination of both an historical trend towards increased city-based anti-smoking legislation, and a complex process led by public institutions such as City Council and the City's bureaucracy. The experiences of other Canadian cities with similar legislation also inspired the development of the new policy. Bylaw 13333 sparked a great deal of opposition and debate, but the policy was ultimately accepted by Edmontonians, as demonstrated both before and after the 2004 election, despite the best efforts of a determined, organized, and coherent group of opponents. This latter group was offset throughout the campaign by an equally systematic group of proponents of the bylaw with both groups relying on comparable means to get their message across. The chief difference between the two sides, apart from their obvious conflicting stances on the bylaw, lay in their respective compositions and targets: whereas opposition groups were oriented and appealed to working class Edmontonians, adherents of the bylaw encompassed a more, although by no means exclusive, professional and white-collar constitution. Indeed a key point of this chapter has been that Edmonton's new smoking bylaw was developed by professional institutional forces in response to, and later confirmed by, wide-spread popular support. While it would be inaccurate to say that either the white-collar professionals or the populist forces dominated the proceedings surrounding the bylaw, the two did work symbiotically to devise a new public policy.

The remainder of this work will attempt to mesh the theoretical groundwork established in chapter one with the practical grounding developed in this chapter.

Specifically, the definition of an innovative policy supplied in chapter one will be applied

to Edmonton's bylaw 13333 with the goal of concluding that Edmonton's new smoking legislation was indeed an innovative policy. Such an analysis will go beyond the definition of an innovative policy and employ the framework developed in chapter one. Apart from a further discussion of the groups who influenced the formation of the bylaw, an evaluation of leadership and barriers to implementation will both be of particular importance in the final chapter.

5

Chapter Three:

Challenging the Status Quo, Implementation, and A New Policy Community: A

Confirmation of Policy Innovation in Edmonton's Bylaw 13333

The method of this concluding chapter is to engage the theory of chapter one, particularly the definition of policy innovation, with the practice detailed in chapter two. The goal is to show how the Edmonton anti-smoking bylaw 13333 was indeed an innovative policy in that it constituted a radical idea developed with the purpose of challenging the status quo, introduced and implemented through efficient means by and with the support of new elements in the policy-making system.¹⁸¹ In this chapter I will analyze the definition of policy innovation, clause-by-clause, to reveal how the various requirements of policy innovation in this definition have been met. In the first section I will argue that the smoking bylaw was in fact a radical idea that challenged the status quo. This analysis begins with a discussion of the status quo in Edmonton and elsewhere prior to the bylaw and also outlines exactly what qualifies as a radical idea. Second, the implementation of the bylaw, although briefly discussed in the preceding chapter, will be further examined with an emphasis on the efficiency with which the new piece of public policy was implemented. More specifically, the bylaw's efficient implementation will be assessed in three sub-sections: acceptance by businesses, a lack of legal challenges, and public acceptance of the bylaw. The third section will begin with a recollection of the driving forces behind the bylaw. These will be considered from the theoretical concept of a policy community as a means of better understanding the bylaw's sources as well as defining which forces were the new influences in the policy-making system. In a brief concluding section, I will discuss future implications of policy innovation in light of Edmonton's new smoking bylaw.

¹⁸¹ See chapter one.

Part I - "A Radical Idea Developed With the Purpose of Challenging the Status Quo"

Although the City of Edmonton had exhibited an increasing trend towards stricter restrictions of smoking in public places, bylaw 13333, unquestionably the strictest restriction on public smoking in the history of the city, represented a great break with the status quo. Immediately preceding bylaw 13333 smoking was restricted to venues where minors were not present; hence, service establishments were forced to decide between going smoke-free and serving minors or converting to an adult only establishment and legally permit smoking. Before these restrictions, strict regulations were enforced regarding the size of smoking versus non-smoking sections in service establishments. Combined with other smoking restrictions, such as the banning of smoking on public transit or in shopping malls, bylaw 13333 represents the culmination of an historical evolution towards tougher restrictions on public smoking in, if not always by, the City of Edmonton. This point might call into question how bylaw 13333 can be considered either an innovative or a radical idea which challenged the status quo given that it apparently was a path-dependent policy that merely fulfilled an historical trend towards tougher anti-smoking legislation. This argument will be addressed below.

However, it is first necessary to define what the status quo regarding smoking in Edmonton and Alberta was at the time of the new bylaw. In doing so, one must consider the nature of anti-smoking legislation in Edmonton and comparable municipalities - especially Edmonton's competitive rival Calgary - in order to provide a fuller scope to the analysis.

As detailed above various bylaws and restrictions by other institutions had clearly

made smoking the exception in public places rather than the rule. However, prior to the new bylaw in Edmonton smoking was still tolerated, and indeed encouraged through promotions, cigarette vendors and the like, in bars, lounges, nightclubs, casinos, and bingo halls. Indeed few, if any, establishments listed above were exclusively non-smoking before being legally obligated to become so. Thus prior to bylaw 13333 smoking, although heavily restricted, was still an acceptable practice in Edmonton.

When one tries to gauge the status quo across Alberta it is easy to observe a similar pattern of smoking being tolerated in some venues, but heavily restricted in others. Indeed, it was not until January 1 of 2006 that a province-wide smoking ban in restaurants, which was largely targeted at rural municipalities who typically lacked smoking restrictions, was enforced by the provincial government. Alberta's other major city, Calgary, also contributed to a status quo where smoking was tolerated. Although Calgary's City Council recently approved a comprehensive smoking bylaw similar to Edmonton's, the vote was a hardly decisive 8-7 in favour and the ban itself does not take effect until January of 2008.¹⁸² Prior to this vote, smoking in Calgary was restricted in a similar fashion to Edmonton pre-bylaw 13333. In sum, when one looks at the bigger picture of smoking in Alberta at the time of the new smoking bylaw, it is clear that while smoking was heavily restricted, particularly in Edmonton, the habit was still permitted in a wide variety of establishments.

So, given the above characterization of smoking restrictions in Edmonton and Alberta before the city's new smoking restrictions, it becomes clear that bylaw 13333 clearly represented a challenge to the status quo in its comprehensiveness. Without re-

¹⁸² Marr, Norma. "Calgary's new Smoking Bylaw." Calgary Herald [Calgary] 18 October, 2006, Metro ed.: A3.

hashing the provisions of the bylaw's text, it should be evident that the new restrictions were targeted at precisely the only remaining legal venues for smokers to indulge their habit: bars, bingo halls, private clubs, and casinos. It is further evident that following bylaw 13333 the only legal locations for smoking were in appropriate (ie. not restricted) outdoor locations or in one's own private residence (also where not restricted by condominium boards, landlords, or homeowners' associations). This comprehensiveness, combined with the relative quickness with which the bylaw was introduced and enforced, represent a direct victory over the status quo given the relative permissiveness enjoyed by tobacco in Calgary and other parts of Alberta. Naturally one could point to other locales such as Vancouver or even New York City where smoking had been restricted in a similar fashion to 13333 for years prior to Edmonton's new bylaw as evidence that the status quo was already shifting towards tougher bans on public smoking. While such an observation would be undeniably correct, one must define how local, ~~or~~ global, the term status quo is in application. For the purposes of this work, the term is applied to Alberta's context given the province's identifiable ideological and cultural differences from the rest of Canada (and the United States). If the term were utilized in a cross-Canada or international sense any comparisons become flawed given the unique factors at play in each city: the history of smoking legislation, the proportion of the population who smoke, the influence of various levels of government, the structure of local government authority and social attitudes towards smoking to name but a few. A complete list of local specific factors could almost be endless. For this reason the defined status quo is in terms of an area with a generally shared political history, political culture, and public attitudes as well as similar arrangements of intergovernmental relations and history of past smoking

regulation. In light of all this, it is evident that Edmonton took the lead in anti-smoking legislation within the context of Alberta.

That the new smoking bylaw was a radical idea, is affirmed not only by it representing a threat to the status quo, but also by the strong level of resistance provoked by the new bylaw. Without overly and excessively recounting the nature of opposition as set out previously in chapter two, suffice it to say that bylaw 13333 was strongly opposed by significant portions of Edmonton's service establishments who expressed their strong distaste with the new bylaw through petition gathering, slate-making, and media advertisements. These tactics, and the others pursued by the anti-bylaw groups, were surely of a costly manner and resulted in the consumption of a great deal of money and time. Given the typical fiscally conservative nature of businesses, it is highly unlikely that opponents to bylaw 13333 would have adopted such means to oppose any ordinary piece of legislation. Only a truly radical idea, and one that was a direct attack on a status quo that benefited service establishments, would spark such a radical reaction.

Finally, one can consider bylaw 13333 to be a radical idea given that it was local government who designed and implemented the bylaw. This point becomes more pertinent when one examines the anti-smoking bylaw in other cities such as Vancouver and Toronto. In the former example it was a provincial-based regulatory board who served as a major inspiration for the bylaw, and in Toronto's case the City-implemented bylaw was so poorly designed and implemented that on several occasions it nearly fell victim to legal and political challenges. The result was that the Ontario provincial government had to intervene to properly and fully institute comprehensive anti-smoking legislation. These two processes stand in stark contrast with that of Edmonton where the

City fostered the bylaw through all stages of development and implementation independent of provincial government influence. This development of an innovative piece of public policy represents a significant achievement given the caretaker role often assigned to Canadian local governments. Thus not only was the bylaw itself a radical idea, but it was fully developed from an unlikely source.

Part II - "Introduced and Implemented Through Efficient Means"

The enforcement of a bylaw is key as it determines to what degree the theory of the policy and its practical nature are aligned. Indeed, a good policy that is poorly enforced is hardly of any use. From previous pages one should recollect that the new smoking bylaw was enforced by a small team of bylaw enforcement officers who relied on public complaints to direct their attention. While the word "efficient" is without doubt a qualitative term, it can nevertheless be demonstrated that bylaw 13333 was efficiently implemented as proven by an examination of three distinct observations: acquiescence by businesses, a lack of challenges to the bylaw, and acceptance by the public. The compliance of these groups is important as it demonstrates that new legislation was taken as legitimate by the community. Moreover, only with proper enforcement can the bylaw's goals be realized. Thus support after the bylaw shows that theoretical goals have been realized, presumably due to proper enforcement.

The acceptance of the bylaw by city businesses is best demonstrated by their high level of compliance. Anecdotally, one can walk into any Edmonton restaurant or bar and be relatively sure of seeing no flagrant violations of bylaw 13333. Most establishments post the ubiquitous no-smoking signs, many of which actually cite a part of bylaw 13333,

that serve as visual deterrents to smokers. Smoking paraphernalia is also now absent: cigarette vending machines, cigar cases, matches, and ashtrays are gone. Media coverage of city bars immediately following 13333's implementation indicates that while some patrons were unhappy, many bar owners accepted the bylaw and were optimistic for the future.¹⁸³ Since its enforcement, the lone serious attempt to circumvent the bylaw was undertaken by a series of bar owners who obtained yellow school buses, parked them outside their establishments, and proceeded to facilitate smoking on board. These buses would also typically be modified to provide more comfortable seating, and would also be heated during the winter months. While technically not against the bylaw, as food or drinks were not served within the buses, this solution was unquestionably against its spirit. Although admittedly an example of businesses being opposed to the bylaw, it remains to be seen if the smoking buses will remain as a practical or legally viable solution. Although admittedly somewhat anecdotal, the above evidence still provides support for the conclusion that the bylaw has been accepted by local businesses.

Business acceptance is further demonstrated by examining select statistical evidence relative to the number of violations of anti-smoking legislation. The *Edmonton Journal* reported that in a four month span during 2001, six venues were levied \$260 fines for contravening an earlier version of the smoking bylaw.¹⁸⁴ Several months thereafter nineteen tickets were issued to businesses for various smoking bylaw infractions during a six and-a-half month time span.¹⁸⁵ Finally, in a five month period in

¹⁸³ Audette, Trish. "Smoking ban in bars moves butts outside." *Edmonton Journal* [Edmonton] 2 July, 2005, Metro ed.: B1.

¹⁸⁴ Mah, Bill. "Six fined under new smoking bylaw." *Edmonton Journal* [Edmonton] 29 August, 2001, Metro ed.: B3.

¹⁸⁵ Kent, Gordon. "Radical smoker fined \$350 for mall assault: smoking in food court, slugged security guard." *Edmonton Journal* [Edmonton] 8 January, 2002, Metro ed.: B3.

2003 fourteen tickets were handed out to seven different businesses.¹⁸⁶ Although no data is available regarding enforcement figures for bylaw 13333, the above information is indirectly suggesting an increasing acceptance of comprehensive smoking bans by businesses. This conclusion is furthered when one considers that, by one estimate, there are approximately 368 businesses in Edmonton with liquor licenses that prohibit minors.¹⁸⁷ Given this context along with the small number of violations of earlier versions of the bylaw, it is evident that, with few exceptions, businesses have accepted progressively tougher smoking restrictions and have adapted their business practices accordingly. Finally, it is worth noting that there is no direct evidence that the businesses who initially failed to comply with the bylaw did so with the intent of making an active statement against the bylaw. In other words, the violations detailed above, or at least a portion of them, could be entirely accidental during the adaptation period.

The efficient implementation of the new bylaw is further demonstrated by the lack of legal challenges waged against it, especially given how this course of action has been undertaken by opposition groups in other municipalities with similar bylaws. Indeed, Alderman Gord Lowe has expressed great concern that Calgary's new smoking bylaw will be challenged in court by a coalition of angry pub and bar owners.¹⁸⁸

Evidence from other Canadian cities stands as proof that legal challenges to smoking bans are a legitimate concern to policy makers. In Montreal, two bar owners have won the right to challenge the City's smoking bylaw despite the best efforts of the

¹⁸⁶ Gerein, Keith. "Not many smoking tickets handed out: Edmonton bylaw working-officer." *Edmonton Journal* [Edmonton] 28 November, 2003, Metro ed.: B10.

¹⁸⁷ O'Donnell, Sarah. "New smoking ban approved 10-2: starts this summer for restaurants; July 2005 for bars." *Edmonton Journal* [Edmonton] 26 March, 2003, Metro ed.: B1.

¹⁸⁸ Poole, Emma and Seskis, Tony. "Smoking ban will kick in January 1: Business owners plan legal battle." *Calgary Herald* [Calgary] 18 October, 2006, Metro ed.: A1.

government with the judge claiming that the bar owners' concerns were "serious and important."¹⁸⁹ In Toronto prior to the province-wide ban there were several legal challenges presented by establishments who felt threatened by the City's attempt at a comprehensive smoking ban. One establishment in particular, Carlos Murphy's, attempted to chicanery the bylaw by claiming to be a branch of a local bicycle club - bona fide private clubs enjoyed an exemption - and even went as far as selling memberships complete with daily or annual membership cards.¹⁹⁰ Murphy's hoped to claim private club status and thus be exempt from the bylaw, albeit temporarily. After the local authorities cracked down on Murphy's for their attempt to circumvent the new legislation, the establishment launched a constitutional challenge of the bylaw claiming that the City had no proper discretion to determine whether or not they were a private club. The resulting legal battle was drawn out over a period of months and ended with Murphy's, which had since closed, pleading guilty to permitting smoking in a public place.¹⁹¹

These examples from other Canadian cities with roughly similar bylaws demonstrate the very real potential of legal challenges to the smoking bylaw. The closest that smoking legislation came to being legally challenged in Edmonton was when a club for recovering alcoholics fought and refused to pay two tickets given for violations of an earlier form of bylaw 13333 by arguing that having a liquor license, a necessity to permit smoking in a venue before the bylaw, was at direct odds with their stated goal. The case

¹⁸⁹ Branswell, Brenda. "Bars win round in smoking fight." Montreal Gazette [Montreal] 13 April, 2006, Metro ed.: A6.

¹⁹⁰ Teotonio, Isabel. "Ruling back smoking bylaw, court snuffs out bar owners' constitutional challenge of bylaw, city says now-defunct business posed as a club to skirt ban." Toronto Star [Toronto] 21 December, 2005, Ontario ed.: B03.

¹⁹¹ Ibid.

was eventually dropped when the manager moved out of town and bylaw 13333 was enacted. That such strong legal challenges failed to materialize in Edmonton is a testament to the acceptance of the new legislation as well as its efficient implementation.

A further example of the lack of challenges is the fact that bylaw 13333 has not been resurrected before council despite earlier numerous promises from opposition groups to do so. Moreover, and as stated in chapter two, no City Councillor interviewed for this project foresees the bylaw ever being re-visited by council in the future. This consequence becomes more remarkable given the events in Calgary surrounding the development and imposition of a similar comprehensive bylaw. In Calgary's instance various opposition groups have mobilized and forced City Council to seriously debate watering down their bylaw. Indeed, judging from media coverage and comments made by various local officials, as well City Council's narrow passage of the bylaw, there seems to be a genuine chance that Calgary's anti-smoking legislation will be pared down to more closely resemble the situation in Edmonton prior to the implementation of bylaw 13333. The Calgary case demonstrates the susceptibility of bylaws to challenges (if only within the Alberta context) yet coincidentally the lack of any challenges in Edmonton once again stands as evidence of both acceptance of the bylaw as well as its efficient implementation.

Finally, the support of the public is further evidence of the efficient implementation of the smoking bylaw. Public opinion polls, although admittedly imperfect, have throughout the debate surrounding the bylaw been virtually unanimous in their strong support. Anecdotally, most restaurant and bar patrons have also expressed their pleasure at the new smoking regulation. There have also been few, if any, reported

cases of businesses patrons repeatedly violating the bylaw through smoking in a restricted venue. Public support is further evident when one considers restaurant owner Tom Goodchild's 2001 failed attempt to gather the 65 000 signatures needed for bylaw 13333 to be presented to the public as a referendum.¹⁹² Moreover, the nature of enforcement, based on a reliance on the public to report violations, itself hints at a high level of public acceptance. Given how the theory of a policy and its practice are not always congruent, Edmonton's acceptance of the bylaw a year after its implementation further proves that the bylaw's theoretical goals were practically realized and this is, in large measure, due to its being implemented and enforced through efficient means.

Part III - "Support of New Elements in the Policy-Making System"

As discussed earlier innovation means more than simply not tried here before. It is thus important to recount the factors that do contribute to genuine innovation in the context of this study. In chapter one six drivers of policy innovation were outlined: the bureaucracy, interest groups, the business community, issue specificity, financial strain, and competition among local governments. Relative to the smoking bylaw only the first four factors listed above directly apply; the other two sources are oriented towards different examples of policy innovation. In chapter two, four major sources of practical support in Edmonton for the bylaw were delineated: the health community, interest groups, media, and a small number of businesses. Underlying, and sustaining this list was the great level of public support for the new smoking legislation.

¹⁹² O'Donnell, Sarah. "Smoking petition flickers out: Restaurateurs didn't get enough names." *Edmonton Journal* [Edmonton] 16 August, 2001, Metro ed.: B2.

In his *Group Politics and Public Policy* Paul Pross defines policy communities as "that part of a political system that has acquired a dominant voice in determining government decisions in a field of public activity."¹⁹³ Applied to the smoking bylaw it becomes evident that both the health community and the relevant interest groups, most notably ASH, can be accurately re-termed as a policy community. The remaining support factors, the interested media and a few businesses, are not consistently major actors within this policy community given how difficult it is to influence policy when both networks are divided from within. Among this media, for instance, Kerry Diotte's anti-bylaw stance in *The Sun* can be contrasted with the opposite view as commonly espoused in the *Edmonton Journal*, and in the restaurant and bar trade Tom Goodchild's and EFC's position stood opposed to the various Whyte Avenue pubs who were in favour of the bylaw. On the other hand, the medical community and ASH unquestionably qualify as leaders in the policy community given their common goals and expertise. Together they represent an authoritative source of information regarding smoking and its harmful effects on public health. For this reason, it is easy to justify council's, and the public's, deference to these groups on matters of public health relating to smoking. Moreover, judging from the bureaucratic position papers cited in chapter two, the health community served as an invaluable source of information in coming to a policy alternative to the council-determined problem of public smoking. Thus the medical community and ASH worked as leaders within a coherent policy community with the former indirectly influencing the policy in its bureaucratic-led development stages, and the latter affecting

¹⁹³ Pross, Paul. *Group Politics and Public Policy*. (Toronto: Oxford University Press Canada, 1986) 119.

the process through lobbying City Council as well as waging a public relations war against smoking.

It is important that we define what the term 'new' refers to when discussing new elements and policy communities in the policy making system. Given the context of Canadian local government, the typical elements influencing the policy-making process, and thus considered 'old' elements, would be business groups. For evidence of this, one need look no farther than the campaign contribution statements of candidates in civic elections which are typically heavily supported by various businesses or business-oriented conglomerates. Moreover, many councillors enter politics from a business background. Thus while we can define business groups as the typical influential element in the policy-making system, they must be excluded from the groups who influenced the development of the smoking bylaw. It should be no surprise that most businesses took a strong anti-bylaw position. This point, in turn, directs us to consider the 'newness' of the medical community/ASH policy community. Prior to bylaw 13333 business was an important influence in matters of public smoking. On the legislative pathway to the new bylaw the old business policy community was ushered out in favour of the new policy community. Put differently, City Council's rejection of the business policy community's desire for the status quo on smoking legislation created a vacuum which was filled by a new policy community in the form of Edmonton's medical community and anti-smoking interest groups whose goals and expertise came to be better aligned with the policy designs set forth by the City.

What, then, was the significance of the four major drivers of policy innovation? Clearly bylaw 13333 was a bureaucratically designed policy as shown in the previous

chapter. Moreover, in developing the new policy the City's bureaucracy heavily relied on information provided by a new policy community largely in the form of the city's medical community and ASH. While the business community for the most part was against the bylaw, one should not overlook how many businesses actually supported the new smoking restrictions. This was demonstrated through many means such as the refusal to join EFC or like-minded groups, or adjusting to 13333 by going smoke-free before the bylaw's implementation. Finally, the specificity of the anti-smoking issue was raised in large part by the new policy community through reports and media advertisements as detailed in chapter two. The result of this strategy was to create an environment where smoking became an issue of high relevance, particularly in the 2004 council elections.

This brings us to the role of the public in the evolution of bylaw 13333. While one would hope not to be forced to classify public input as a new element in the policy making system, and happily this is not my task, popular support nonetheless played a key role in the fate of the anti-smoking bylaw. Their support, as illustrated in the previous chapter, served to re-enforce the roles played by the new policy community and coincidentally aided the ease with which the old policy community's interests were voided. Without the sizeable level of popular support it enjoyed, bylaw 13333 may well have been developed or implemented in a manner that would render it unrecognizable today. Indeed, for proof of the value of popular support in relation to anti-smoking legislation look no further than rural Alberta or, to a lesser extent, Calgary where similar bylaws have been met with much greater public resistance and have subsequently been watered down or had their implementation continually delayed. Thus while the public

cannot be considered as a driver of policy innovation, in this case they buttressed the arguments of the new policy community and made their theoretical policy more practically feasible.

Part IV - Conclusion

The goal of policy innovation is to provide a better 'service' to the citizens. Putting aside for a moment the correct notion that a strong minority of Edmontonians would see bylaw 13333 as an obtrusive and damaging piece of legislation, the vast majority of Edmontonians welcomed the new policy. It is difficult to imagine any policy that will meet with unanimous approval from one hundred per cent of the population one hundred per cent of the time. Bylaw 13333 was also not the result of the 'satisficing' trend so prevalent today in local politics. To the contrary, it was an expertly designed policy, and done so with the aid of a new policy community at the expense of an old one; it was successfully implemented and accepted by most Edmontonians who expressed their support before and after the bylaw's implementation. Given the cases of cities with roughly similar bylaws such as Vancouver or Ottawa, one might be tempted to conclude that Edmonton's policy was not so much innovation as it was imitation. That this not the case is because any comparisons between cities are immediately flawed due to the existence of local factors. What remains to be seen is whether an in-depth study of the evolution of the smoking bylaws in other cities would turn up a similar pattern in new policy communities and the drivers of policy innovation. It is most likely that the pattern of support, and for that matter resistance, would be entirely unique to each city. In any event, Edmonton's bylaw 13333 stands as an example of policy innovation that changed

the social landscape of the city. Whether this change is of a permanent nature remains to be seen, yet it will surely be difficult to remove given the now-dominant policy community in relation to public smoking. It appears certain that this innovative bylaw is here to stay.

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